

WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXV

Issue 36

September 7 2018

A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304) 558-6000
www.wvsos.com

CONTENTS

Chronological Index

Rule Monitor

Notices

a. Legislative Rules

b. Interpretive Rules

c. Procedural Rules

d. Emergency Rules

e. Legislative Rule-Making Review Committee

Legislative Interims

Orders

Ethics Commission Opinions

Office of Tax Appeal Decisions

Other Documents or Information Filed

This week's publication includes documents submitted by the following agencies:

Environmental Protection

Health Care Authority

Insurance Commission

Medicine, WV Board of

Public Service Commission

Registered Professional Nurses, WV Bd. Of Exam.

CHRONOLOGICAL INDEX, VOLUME XXXV ISSUE 36			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	§24-2F-1	Written Comments Only November 8, 2018, 4:00 pm Ingrid Ferrell PO Box 812 Charleston, WV 25323

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

Mac Warner
Secretary of State
State of West Virginia

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

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

- 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)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	8	HEARING AID DEALERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
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	31	DIETITIANS
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	164	SCHOOL BUILDING AUTHORITY
TITLE	172	STATE RAIL AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
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	194	MASSAGE THERAPY LICENSURE BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-01)	Purchasing Division Legislative	6/11/2018	7/11/2018		7/18/2018				
Administration (148-03)	State Owned Vehicles Legislative	6/12/2018	7/12/2018	6/8/2018 Effective July 20, 2018	7/20/2018				
Administration (148-19)	Leasing of Space and Acquisition of Real Property on Behalf of State Spending Units Legislative	6/11/2018	7/11/2018		7/19/2018				
Agriculture (61-01)	Animal Disease Control Legislative	6/26/2018	7/26/2018		7/27/2018				
Agriculture (61-29)	Industrial Hemp Legislative	6/27/2018	7/27/2018		7/27/2018				
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/26/2018	7/26/2018		7/26/2018				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/27/2018	7/26/2018		7/27/2018				
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/18/2018	12/18/2017 Effective 1/29/2018	1/19/2018				
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018				
Agriculture (61-38)	Farmers Markets Legislative	6/27/2018	7/27/2018	7/30/2018 ERD by 9/10/2018	7/27/2018				
Agriculture (61-39)	Seed Certification Program Legislative	6/27/2018	7/27/2018		7/27/2018				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2018	7/10/2018		7/24/2018				
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2018	7/10/2018		7/24/2018				
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2018	7/10/2018		7/24/2018				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-36)	(Repeal of) Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity) Legislative	6/5/2018	7/10/2018		7/24/2018				
Air Quality (45-38)	(Repeal of) Provisions for Determination of Compliance with Air Quality Management Rules Legislative	6/5/2018	7/10/2018		7/24/2018				
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2018	7/10/2018		7/24/2018				
Athletic Commission (177-01)	Administrative Rules of the WV State Athletic Commission Legislative	6/19/2018	7/19/2018		7/24/2018				
Comm. & Tech. College Education (135-15)	Acceptance of Advanced Placement Credit Legislative	8/20/2018	9/21/2018						
Comm. & Tech. College Education (135-32)	Tuition and Fees Legislative	4/24/2018	5/25/2018		7/2/2018				
Comm. & Tech. College Education (135-59)	Acceptance of Advanced Placement Credit Procedural	8/20/2018	9/21/2018						
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	6/22/2018	7/24/2018		7/24/2018				
Education (126-44H)	WV Driver Education Standards (2520.8) Legislative Exempt	8/10/2018	9/10/2018						
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-71)	Establishment Procedures and Operating Policy for Multi-County Career and Technical Education Centers (3232) Legislative Exempt	8/10/2018	9/10/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-86)	Standards for School Nutrition (4321.1) Legislative Exempt	8/10/2018	9/10/2018						
Education (126-149)	Professional Learning for West Virginia Educators (5500) Legislative Exempt	8/10/2018	9/10/2018						
Fire Commission (87-04)	State Building Code Legislative	6/22/2018	7/23/2018		7/25/2018				
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018				
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018				
Health (64-17)	Food Establishments Legislative	6/21/2018	7/20/2018		7/26/2018				
Health (64-43)	Food Manufacturing Facilities Legislative	6/21/2018	7/20/2018		7/26/2018				
Health (64-91)	Newborn Screening System Legislative	6/21/2018	7/20/2018		7/26/2018				
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018				
Health an Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/21/2018	7/21/2018		7/27/2018				
Health Care Authority (65-06)	Cooperative Agreement Legislative	6/21/2018	7/21/2018		7/26/2018				
Higher Education Policy Commission (133-04)	Rules and Administrative Procedures Procedural	6/26/2018	7/26/2018					8/28/2018	9/28/2018
Higher Education Policy Commission (133-05)	Guidelines for Governing Boards in Employing and Evaluating Presidents Legislative	6/26/2018	7/26/2018		8/28/2018				
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 6/26/2018	8/7/2018				
Higher Education Policy Commission (133-54)	Campus Safety Procedures Procedural	6/26/2018	7/26/2018					8/7/2018	9/7/2018
Higher Education Policy Commission (133-59)	Awarding Undergraduate College Credit for Prior Learning, Advanced Placement Credit, and College-Level Examination Program Procedural	6/26/2018	7/26/2018					8/28/2018	9/28/2018
Higher Education Policy Commission (133-62)	Energy and Water Savings Performance Contracts, Monitoring Use and Reduction Procedural	6/26/2018	7/26/2018					8/7/2018	9/7/2018
Highways (157-01)	Regulations Pertaining to Particular Functions of the Commissioner of Highways Procedural	7/30/2018	8/29/2018					8/30/2018	9/29/2018
Highways (157-12)	Employment Procedures	7/18/2018	8/20/2018	7/19/2018 Effective 8/30/2018	8/30/2018				
Homeland Security & Emergency Mgmt. (170-03)	The WV Statewide Interoperable Radio Network Procedural	7/11/2018	8/17/2018					8/24/2018	9/23/2018
Labor (42-05)	Wage Payment and Collection Legislative	6/15/2018	7/16/2018		7/25/2018				
Labor (42-09)	Child Labor Legislative	6/18/2018	7/19/2018		7/25/2018				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-12)	Bedding and Upholstered Furniture Legislative	6/19/2018	7/19/2018		7/25/2018				
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/15/2018	7/16/2018	6/15/2018 Effective 7/27/2018	7/25/2018				
Lottery Commission (179-09)	West Virginia Lottery Sports Wagering Rule Legislative	8/6/2018	9/7/2018	7/9/2018 Approved 8/6/2018					
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons Legislative	6/22/2018	7/23/2018		7/25/2018				
Medicine (11-12)	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative	6/22/2018	7/23/2018	6/22/2018 Effective 8/3/2018 Amendment 7/25/2018 Withdrawn 8/7/2018 Amendment 8/7/2018 ERD by 9/18/2018	7/25/2018				
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	6/19/2018	7/19/2018	6/19/2018 Effective 7/31/2018	7/25/2018				
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative	5/30/2018	6/29/2018	5/30/2018 Effective 7/11/2018	7/25/2018				
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in West Virginia Legislative	5/30/2018	6/29/2018	5/29/2018 Effective 7/10/2018	7/25/2018				
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2018	7/26/2018		7/27/2018				
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Program Permittings ATVs and ORVs Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	5/24/2018	6/25/2018		7/26/2018				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/21/2018	7/22/2018		7/27/2018				
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/12/2018	7/16/2018		7/27/2018				
Pharmacy (15-09)	Disciplinary Procedures Procedural	6/19/2018	7/21/2018					8/6/2018	9/10/2018
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/21/2018	7/22/2018		7/27/2018				
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/19/2018	7/20/2018		7/27/2018				
Pharmacy (15-17)	Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals Legislative	6/19/2018	7/21/2018		7/27/2018				
Public Service Commission (150-1)	Rules of Practice and Procedure Legislative Exempt	5/10/2018	7/10/2018						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	5/10/2018	7/10/2018						
Public Service Commission (150-25)	Telephone Emergency Service Legislative Exempt	3/8/2018	5/9/2018						
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018	11/8/2018						
Racing Commission (178-01)	Throughbred Racing Legislative	6/13/2018	7/13/2018		7/26/2018				
Real Estate Appraiser, Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/27/2018	7/27/2018		7/27/2018				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Professional Nurses (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and Accreditation of Colleges, Departments or Schools of Nursing Legislative	6/19/2018	7/20/2018		7/26/2018				
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/19/2018	7/20/2018		7/25/2018				
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Legislative	6/19/2018	7/20/2018		7/25/2018				
Registered Professional Nurses (19-10)	Standards for Scope of Professional Nursing Practice Legislative	6/19/2018	7/20/2018		7/26/2018				
Registered Professional Nurses (19-12)	Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing Legislative	6/19/2018	7/20/2018		7/26/2018				
Registered Professional Nurses (19-13)	Dialysis Technicians Legislative	6/19/2018	7/20/2018		7/25/2018				
School Building Authority (164-02)	SBA Policy and Procedure Manual Legislative	6/26/2018	7/26/2018						
School Building Authority (164-03)	School Planning and Design Criteria Legislative	6/26/2018	7/26/2018						
School Building Authority (164-04)	Project Administration and Review Legislative	6/26/2018	7/26/2018						
School Building Authority (164-05)	School Building Authority Contracts and Agreements Legislative	6/26/2018	7/26/2018						
School Building Authority (164-06)	Project Administration and Review Legislative	6/26/2018	7/26/2018						
School Building Authority (164-07)	School Access Safety Act Guidelines and Procedures Legislative	6/26/2018	7/26/2018						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secondary School Activities Comm. (127-01)	Constitution Legislative-Exempt	6/15/2018	7/16/2018					8/10/2018	10/9/2018
Secondary School Activities Comm. (127-02)	Athletics, Provision Governing Eligibility Legislative-Exempt	6/15/2018	7/16/2018					8/10/2018	10/9/2018
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative-Exempt	6/15/2018	7/16/2018					8/10/2018	10/9/2018
Secondary School Activities Comm. (127-05)	Band Activities Legislative-Exempt	6/15/2018	7/16/2018					8/10/2018	10/9/2018
Secretary of State (153-06)	Filing and Formatting Rules and Related Documents and Other Documents for Publication in the State Register Legislative	6/5/2018	7/5/2018		7/6/2018				
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018				
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018				
Secretary of State (153-46)	Notaries Public Legislative	6/28/2018	7/28/2018		7/30/2018				
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/15/2018	7/16/2018		7/25/2018				
Social Work Examiners (25-07)	Code of Ethics Legislative	6/15/2018	7/16/2018		7/23/2018				
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/27/2018	7/27/2018		7/27/2018				
Tax (110-15K)	Aircraft Operated Under a Fractional Ownership Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018				
Tax (110-21B)	Citizen Tax Credit for Property Taxes Paid Legislative	6/26/2018	7/26/2018		7/27/2018				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-49)	Administration of Tax on Purchases of Wine and Liquor Legislative	6/26/2018	7/26/2018		7/27/2018				
Tax (110-50A)	Exchange of Information Agreement Between Tax Div. and Div. of Environmental Protection Legislative	6/26/2018	7/27/2018		7/27/2018				
Tax (110-50B)	Exchange of Information Agreement Between Tax Div. and the Alcohol Beverage Control Administration Legislative	6/27/2018	7/27/2018		7/27/2018				
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/26/2018	7/26/2018		7/27/2018				
Tax (110-50D)	Exchange of Information Agreement Between Comm of Tax Div., Comm. Of Labor and the Comm. Of Insurance Legislative	6/27/2018	7/27/2018		7/27/2018				
Tax (110-50E)	Exchange of Information Agreement Between Tax Dept. and the WV Lottery Legislative	6/27/2018	7/27/2018		7/27/2018				
Tax (110-50F)	Exchange of Information Agreement Between Tax Dept. and the State Fire Marshal Legislative	6/27/2018	7/27/2018		7/27/2018				
Treasurer (112-16)	Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests Legislative	6/27/2018	7/27/2018	6/27/2018 Effective 8/8/2018	7/27/2018				
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018		7/27/2018				

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/6/2018 3:21:06 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Public Service Commission TITLE-SERIES: 150-33

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Net Metering

CITE STATUTORY AUTHORITY: W. Va. Code §24-2F-1

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/08/2018 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Ingrid Ferrell

ADDRESS: PO Box 812

Charleston, WV 25323

EMAIL:

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

Orders Report

Docket Number	Agency	Respondent	Date Rendered
18-5-11409-X	Health Care Authority	Camden Clark Medical Center	8/22/2018
18-5-11409-X	Health Care Authority	Camden-Clark Physician Corporation	8/22/2018
17-4-11119-H	Health Care Authority	Oak Hill Hospital Corporation	8/22/2018
18-7-11393-P	Health Care Authority	St. Joseph's Hospital of Buckhannon Inc	8/22/2018
17-2-11035-P	Health Care Authority	Southwestern Community Action Council Inc	8/22/2018
18-3-11412-X	Health Care Authority	WomenCare, Inc.	8/22/2018
18-7-11430-X	Health Care Authority	Community Care of West Virginia, Inc	8/28/2018
18-8-11397-P	Health Care Authority	Potomac Valley Hospital	8/28/2018
18-AP-FP-02004	Insurance Commission	Seneca Insurance Company	9/4/2018
17-182-W	Medicine, West Virginia Board Of	Robert Andrew Dale, D.P.M.	8/30/2018
18-53-W	Medicine, West Virginia Board Of	Lesley Wong, MD	8/30/2018
18-47-W	Medicine, West Virginia Board Of	Arthur Magno Santos, MD	8/30/2018
18-61-W	Medicine, West Virginia Board Of	Thomas Robert Walther, MD	8/30/2018
18-45-W	Medicine, West Virginia Board Of	Magued Raafat Rizk Edouard Meawad Rizk, MD	8/30/2018
18-44-W	Medicine, West Virginia Board Of	Tinofa Ozias Muskwe, MD	8/30/2018
18-51-W	Medicine, West Virginia Board Of	Matthew Frederick Way, MD	8/30/2018
17-191-W	Medicine, West Virginia Board Of	Steven Ray Smith, MD	8/30/2018
N/A	Registered Professional Nurses, West Virginia Board Of Examiners For	Angela Emery	7/31/2018
N/A	Registered Professional Nurses, West Virginia Board Of Examiners For	Emily Debolt	8/7/2018

NOTICE OF PUBLIC COMMENT AND HEARING

The West Virginia Department of Environmental Protection (DEP) is offering an opportunity for public comment, and will hold a public hearing, on a proposed revision to the State Implementation Plan (SIP) regarding the 2015 Ozone National Ambient Air Quality Standard (NAAQS) and West Virginia's obligations under Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I).

Sections 110(a)(1) and (2) of the CAA require all states to adopt and submit to the U.S. Environmental Protection Agency (EPA) any necessary revisions to their SIP which provide for the implementation, maintenance, and enforcement of a new or revised NAAQS. Such revisions are commonly referred to as "infrastructure SIPs." The EPA revised the ozone NAAQS in October 2015 and completed the designation process to identify nonattainment areas in July 2018. The DEP subsequently held a public hearing on Tuesday, August 28, 2018 for the West Virginia infrastructure SIP, but did not address one of the required components, CAA Section 110(a)(2)(D)(i)(I), which is commonly referred to as the "Good Neighbor" provision.

This revision supplements DEP's infrastructure SIP and addresses the CAA Section 110(a)(2)(D)(i)(I) requirements to identify the measures that have been implemented by West Virginia to address the state's significant downwind impacts to nonattainment and maintenance areas.

Once finalized the *West Virginia Supplement to the State Implementation Plan Revision for Clean Air Act §110(a)(2)(A) – (M) Requirements for 2015 8-Hour Ozone NAAQS with the Demonstration of Compliance with the Good Neighbor Requirements of Clean Air Act Section 110(a)(2)(D)(i)(I)* will be submitted to U.S. EPA for approval and incorporation as a revision to the SIP. Written and oral comments will be accepted until the close of the public hearing and will be made part of the formal record. Please identify the document to which the comments apply, the commenter's name, address and telephone number.

Written comments will also be accepted for inclusion in the formal record by mail, facsimile (304-926-0479), e-mail (Sandra.K.Adkins@wv.gov) or other delivery to the Division of Air Quality if received by the close of business on Tuesday, October 9, 2018. Transmit written comments to William F. Durham, Director of the Division of Air Quality at the following address:

WV Department of Environmental Protection
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304

The public hearing shall be held beginning at 6:00 p.m. on Tuesday, October 9, 2018 at the following location:

WV Department of Environmental Protection
Division of Air Quality
Conference Room (TBD)
601 57th Street, SE
Charleston, WV 25304

FILED
2018 AUG 30 P 2:50
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Copies of the proposed SIP revision and documentation may be viewed on weekdays between 8:00 a.m. and 4:00 p.m. at the Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304. The relevant documents may also be accessed via the following web address:
http://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx

OTHER

FILED
2018 SEP -4 P 2:5
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

September 4, 2018

NEWS ITEM

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited application referenced below:

August 30, 2018 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-6-11429-H, for the provision of kidney transplant services; capital expenditure: $50,000.

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.

The review cycle begins on **August 31, 2018.**

On or before **October 1, 2018,** any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a notice of 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 **October 5, 2018.** After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, 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 Decision will be issued on or before **October 30, 2018.**

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

9/4/18
Date

Barbara Skeen
Barbara Skeen, Director, Certificate of Need
Health Care Authority

OTHER

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

FILED
2018 SEP -4 A 9:5
OFFICE WEST VIRGINIA SECRETARY OF STATE

September 4, 2018

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **August 31, 2018**.

LETTERS OF INTENT RECEIVED

August 28, 2018 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-7-11436-A, for the acquisition of Braxton County Memorial Hospital and any related facilities and for the designation of all Braxton County Memorial Hospital's licensed beds as both acute care and skilled nursing; capital expenditure: $12,500,000.

August 31, 2018 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #18-9-11438-Z, for the provision of home health care services in Jefferson and Berkeley counties; capital expenditure: $47,000.

August 31, 2018 – Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #18-6/7-11439-Z, for the provision of home health care services in Barbour, Harrison, Monongalia and Taylor counties; capital expenditure: $64,000.

APPLICATION FOR EXEMPTION RECEIVED

August 30, 2018 – Rainelle Medical Center, Inc, Rainelle, Summers County, CON File #18-4-11437-X, for the development of the Lewisburg Health Center located in Lewisburg, Greenbrier County.

ORDER TO WITHDRAW CON APPLICATION ISSUED

August 28, 2018 - Potomac Valley Hospital, Keyser, Mineral County, CON File #18-8-11397-P, for the development of an ambulatory health care facility in Mineral County through the relocation of its wound care center and diabetes education services off-campus; capital expenditure: $48,000.

EXEMPTION APPLICATION APPROVED

August 28, 2018 - Community Care of West Virginia, Inc., Rock Cave, Upshur

County, CON File #18-7-11430-X, for the establishment of the West Virginia Wesleyan College Wellness Center located at 59 College Ave., Buckhannon, Upshur County.

OTHER

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