WEST VIRGINIA REGISTER

Published by the Office of the Secretary of State

Volume XXXVII

Issue 12

March 20, 2020

A Weekly Publication

Administration Law Division

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

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Health and Human Resources, Bureau for Public Health

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Secretary of State

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NO NEW RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency	§3-1A-6(e)	March 20, 2020	N/A

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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

$ 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	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	31	DIETITIANS
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
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TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
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TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING 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 COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019	BUNDLED HB4252		
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/17/2019	BUNDLED HB4252		
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Agriculture (61-13A)	Poultry- Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication Legislative	6/11/2019	7/10/2019		7/11/2019	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	12/5/2019	1/6/2020	12/6/2019 Approved 12/20/2019	1/7/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/18/2019	BUNDLED HB4252		
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019	BUNDLED HB4252		
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative	12/5/2019	1/6/2020		1/6/2020	Approved 1/7/2020	BUNDLED HB4252		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2019	7/9/2019		7/19/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4217		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019	BUNDLED HB4217		
Architects (2-01)	Registration of Architects Legislative	6/5/2019 8/22/2019	7/9/2019 9/22/2019		7/16/2019 9/24/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019	Approved 10/24/2019	BUNDLED HB4252		
Chiropractic Examiners (4-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED HB4252		
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Coal Mine Health and Safety (36-01)	Rules and Regulations Governing Approvals and Permits, Explosives and Ventilation For The Construction of Shaft And/Or Slope Operations In The State Of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-03)	Rules and Regulations Governing The Certification and Statutory Duties of Shaft And/Or Slope Superintendent Examiner Foreman and Examiner Foreman Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-04)	Rules and Regulations Governing The Movement of Mining Equipment Within Coal Mines In The State of West Virginia Legislative Exempt	9/5/2019	10/21/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019					1/7/2020	4/6/2020
Coal Mine Health and Safety (36-07)	Rules and Regulation Governing Shortwall Mining Within The State of West Virginia Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-08)	Rules and Regulations Governing The Right of A Miner to Refuse To Operate Alleged Unsafe Equipment Legislative Exempt	10/11/2019	11/25/2019					1/7/2020	4/6/2020

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-11)	Rules and Regulations Governing When Underground Mine Foreman-Boss Required; Assistants;Certifications; The Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric Coal Feeders; Performance Requirements Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-12)	Rules and Regulations Governing Electrical Provisions for Underground Mining Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-13)	Rules and Regulations Governing The Authority, Accountability, and Responsibility of Underground Mine Foreman; Responsibility of Operator In Relation To Mine Foreman; And Regulatory Review Procedures Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
Community and Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	6/3/2019	Approved 10/4/2019	BUNDLED HB4480		
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019	Approved 10/24/2019	BUNDLED HB4252		
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/9/2019	BUNDLED HB4252		
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019 7/26/2019	7/1/2019 8/26/2019		7/19/2019 9/20/2019	Approved 11/17/2019	BUNDLED HB4252		
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office, Commerce (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/17/2019	7/17/2019	7/18/2019 Approved 7/30/2019	7/18/2019	Modified & Approved 11/17/2019 Filed 12/5/2019	BUNDLED SB449		
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Education (126-042)	Assuring the Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/12/2019	1/24/2020					2/13/2020	7/1/2020
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classification (Policy 5202) Legislative Exempt	1/9/2020	2/10/2020					3/12/2020	4/13/2020
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 11/17/2019	BUNDLED HB4217		
Fire Commission (87-01)	State Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019	Modified & Approved 12/18/2019 Filed 1/6/2020	BUNDLED HB4275		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Forestry (22-02)	Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019	Approved 11/17/2019	BUNDLED SB449		
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019	Approved 11/17/2019	BUNDLED SB449		
Funeral Service Examiners (6-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/18/2019		7/23/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED SB339		
Health (64-70)	Primary Care Support Program Legislative	6/21/2019	7/22/2019		7/25/2019	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED SB339		
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/19/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019	BUNDLED SB339		
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019	Modifed & Approved 12/18/2019 Filed 12/19/2019	BUNDLED SB339		
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 Effective 7/31/2019 Amendment 11/21/2019 Effedtive 1/2/2020	7/22/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED SB339		
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/22/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative	6/24/2019	7/24/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/21/2019	BUNDLED HB4252		
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Higher Education Policy Commission (133-03)	Higher Education Accountability System Legislative	6/17/2019	7/17/2019		9/30/2019		BUNDLED 4480		
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019		BUNDLED 4480		
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019	BUNDLED 4480		
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019		7/29/2019	Modified & Approved 12/18/2019 Filed 1/8/2020	BUNDLED SB364	3/18/2020	3/18/2020
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 12/18/2019	BUNDLED SB364	3/17/2020	3/17/2020
Highways (157-13)	Small Wireless Facilities on Division of Highways Rights-of-Way Legislative	6/27/2019	7/29/2019		7/29/2019	Modified & Approved 12/18/2019 Filed 1/8/2020	BUNDLED SB364	3/18/2020	3/18/2020
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia Legislative	6/18/2019	7/18/2019	8/16/2019 Effective 9/27/2019	7/26/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED SB339		
Human Services (78-24)	Qualifications for a Provisional License to Practice As A Social Worker Within the Department of Health and Human Resources Legislative	6/18/2019	7/18/2019		7/24/2019	Modified & Approved 11/17/2019 Filed 11/25/2019	BUNDLED SB339		
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension	Approved 11/17/2019	BUNDLED SB339		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019	Approved 10/24/2019	BUNDLED SB357	2/27/2020	4/1/2020
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019	BUNDLED SB357	2/27/2020	4/1/2020
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019		12/6/2019	Approved 12/18/2019	BUNDLED SB357	2/27/2020	4/1/2020
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019	BUNDLED SB449	3/16/2020	5/1/2020
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 11/21/2019	BUNDLED HB4252		
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/7/2019	BUNDLED HB4252		
Medical Imaging and Radiation Therapy Tech. Bd. of Exam. (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019 8/26/2019	7/7/2019 9/27/2019		7/25/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 10/31/2019	BUNDLED HB4252		
Medicine (11-01B)	Licensure, Disciplinary and Compliant Procedures, Continuing Education, Physician Assistants Legislative	6/19/2019	7/19/2019	6/19/2019 Amendment 7/25/2019 Approved 7/30/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019	BUNDLED HB4252		
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019	BUNDLED HB4252		
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Authorized with Certain Amendments 12/18/2019	BUNDLED HB4217		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 12/18/2019	BUNDLED HB4217		
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	7/17/2019	8/16/2019	7/16/2019 Approved 7/30/2019	8/19/2019	Modified & Approved 10/25/2019 Filed 11/6/2019	BUNDLED SB364	3/18/2020	3/18/2020
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 Effective 8/8/2019	7/29/2019	Approved 10/24/2019	BUNDLED SB364	3/18/2020	3/18/2020
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-32)	Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-34)	Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019	Modifiied & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 10/24/2019	BUNDLED SB449		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 10/24/2019	BUNDLED SB449		
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019	Modified & Approved 12/18/2019 Filed 12/30/2019	BUNDLED SB449		
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 12/18/2019	BUNDLED SB449		
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 12/18/2019	BUNDLED SB449		
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019		11/26/2019	Modified & Approved 12/18/2019 Filed 12/27/2019	BUNDLED HB4252		
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019	BUNDLED HB4252		
Occupational Therapy (13-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019 Filed 9/30/2019	BUNDLED HB4252		
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	10/30/2019	11/30/2019		12/2/2019	Approved 12/18/2019	BUNDLED HB4252		
Oil & Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 Withdrawn 7/26/2019	7/25/2019	Modififed & Approved 12/19/2019 Filed 1/3/2020	BUNDLED HB4217		
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019 8/29/2019	7/26/2019 9/29/2019		7/26/2019 10/1/2019	Modified & Approved 11/17/2019 Filed 11/26/2019	BUNDLED HB4252		
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 Amendment 7/31/2019 Approved 8/5/2019	7/31/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019	Modified & Approved 10/24/2019 Filed 11/14/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-04)	Record Keeping and Automated Data Processing Systems Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019 10/11/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019	BUNDLED HB4252		
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	8/15/2019	9/16/2019		10/10/2019	Modified & Approved 11/17/2019 Filed 12/2/2019	BUNDLED HB4252		
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019	BUNDLED HB4252		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019	Modified & Approved 11/17/2019 Filed 11/27/2019	BUNDLED HB4252		
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative	6/18/2019 8/19/2019	7/19/2019 9/18/2019		7/24/2019 9/20/2019	Modified & Approved 11/17/2019 Filed 11/18/2019	BUNDLED HB4252		
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019 8/12/2019	7/9/2019 9/13/2019		7/15/2019 9/17/2019	Modified & Approved 12/19/2019 Filed 12/19/2019	BUNDLED HB4252		
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019	Modified & Approved 12/192019 Filed 1/8/2020	BUNDLED HB4252		
Public Service Commission (150-30)	Rules Governing Siting Certificates for Exempt Wholesale Generators Legislative Exempt	1/27/2020	2/26/2020						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019	Modified & Approved 12/18/2019 Filed 12/20/2019	BUNDLED SB357	3/11/2020	6/9/2020
Real Estate Appraiser Licensing & Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019 8/6/2019	7/26/2019 9/6/2019		7/26/2019 9/9/2019	Modified & Approved 11/17/2019 Filed 12/6/2019	BUNDLED HB4252		
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252		
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 12/3/2019	BUNDLED HB4252		
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019		10/11/2019	Approved 11/17/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Professional Nurses (19-15)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019 Filed 10/7/2019	BUNDLED HB4252		
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/1/2019	BUNDLED HB4252		
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019	BUNDLED HB4252		
Respiratory Care (30-10)	Conideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	11/7/2019	12/9/2019		12/10/2019	Approved 12/19/2019	BUNDLED HB4252		
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019 8/29/2019	7/19/2019 9/29/2019		7/23/2019 11/1/2019	Modified & Approved 12/18/2019 Filed 1/7/2020	BUNDLED HB4252		
School Building Authority of WV (164-05)	School Building Authority Contracts and Agreements; Post-Project Evaluation; Suspension of Right to Bid Legislative	11/4/2019	12/4/2019		12/16/2019		SB652		
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-03)	West Virginia State Plan for Aging Programs- Title V Interpretive	3/9/2020	4/8/2020						
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/1/2019	BUNDLED HB4252		
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/10/2019	BUNDLED HB4252		
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019	Modified & Approved 10/24/2019 Filed 11/4/2019	BUNDLED HB4252		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Speech-Language Pathology and Audiology (29-04)	Disciplinary & Complaint Procedures for Speech-Language Pathology & Audiology Legislative	8/8/2019	9/13/2019		9/17/2019	Modified & Approved 10/24/2019 Filed 11/5/2019	BUNDLED HB4252		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						
Tax (110-43)	Special Valuation Method for Certain Wireless Technology Property Interpertive	7/3/2019 1/28/2020	8/2/2019 2/27/2020						
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019	Modified & Approved 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019	Authorized as Modified with Certain Amendments 12/19/2019 Filed 1/2/2020	BUNDLED HB4252		
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/7/2020	3/26/2020						
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 10/25/2019	BUNDLED HB4217		

STATE OF WEST VIRGINIA
DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION

900 Pennsylvania Ave., 4th Floor
Charleston, West Virginia 25302

FREDRIC L. WOOTON
COMMISSIONER

DAVE HARDY
CABINET SECRETARY

FILED
2020 MAR 18 P 1:34
OFFICE WEST VIRGINIA
SECRETARY OF STATE
LEGISLATIVE

March 18, 2020

VIA HAND DELIVERY
Mac Warner, The Honorable Secretary of State,
Secretary of State's Office – Administrative Law
Bldg. 1, Suite 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

Re: West Virginia Code of State Rules
– Administrative Notice for 175 CSR 4

Dear Secretary of State Warner:

The Honorable Governor of the State of West Virginia, Jim Justice, has declared a State of Emergency on March 16, 2020, to address the emergency created by the worldwide COVID-19 pandemic, or more commonly known as the novel coronavirus.

With surrounding states having confirmed COVID-19 cases and now West Virginia having its first confirmed case, the Governor, in accordance with emergency powers granted to the Governor pursuant to W. Va. Code §15-5-6, and more specifically §15-5-6(c)(7) and as stated in Executive Order No. 2-20 issued on March 18, 2020, the West Virginia Alcohol Beverage Control Administration (WVABCA) at the direction of the Governor seeks to temporarily suspend a wine regulatory statute and rule that would hinder the ability of private clubs, bars and restaurants to provide off-premises food, and also beer and wine beverage, service to the citizens of the State of West Virginia.

As of 12:00 A.M. on March 18, 2020, the Governor directed all bars and restaurants to cease all on-premises consumption of food or drink or occupancy of their licensed premises, other than picking up food or drink for only take-away orders, hereby sets forth the following explanation and directives:

In the best interest of the public health, safety and welfare citizens of the State of West Virginia, the WVABCA hereby advises that pursuant to W. Va. Code §11-16-9(b)(1)(A) and 176 CSR 1 §2.8., that, all Class A licensees (licensees with an on-premises license – all taverns, all private clubs (including fraternal licensees), private wine restaurants licensed for beer sales) licensed under W. Va. Code §11-16-1 *et seq.*, "the Nonintoxicating Beer Act" are authorized to sell nonintoxicating beer at retail for consumption "off" the licensed premises without any change to the West Virginia Code or any amendment of the rules.

The sale of such nonintoxicating beer or "beer" for off-premises consumption shall be only in sealed original containers, such as bottles or cans, subject to age and capacity verification, as provided in the act, during the stated hours of operation. This does not authorize beer deliveries by the licensee or third parties to consumers. The West Virginia Code and rules merely permit the sale of beer in sealed original containers, such as sealed bottles or cans, with take-away food orders from Class A licensees who are closed for on-premises consumption of food during the State of Emergency. Beer Growler licensees may continue to sell sealed growlers for off-premises consumption.

Furthermore, in the best interest of the public health, safety and welfare citizens of the State of West Virginia, the Governor, per the State of Emergency and Executive Order 2-20, has directed the WVABCA to temporarily suspend the West Virginia Code of State Rules at 175 CSR 4, specifically §6.6.b., in part, by editing the rule and waiving certain fees and requirements with respect to permissible off-premises wine sales. The temporary suspension of this rule, as noted herein, shall be effective March 18, 2020, and shall endure for the entire period of the State of Emergency which was declared on March 16, 2020 unless earlier terminated.

In accordance with W.Va. Code §60-8-3(j) and (l) and the emergency powers of W. Va. Code §15-5-6(c)(7), the Governor suspends 175 CSR 4 §6.6.b., with strikethroughs indicating stricken language and underscoring indicating new language, as follows:

> 175 CSR 4 §6.6.b. ~~The annual fee for a~~ A private wine restaurant licensee or qualifying private club, that maintains on its premises an appropriate supply of wine to conduct its operations ~~and that selects the option of~~ may sell~~ing~~ sealed, never consumed bottles of wine for off premises consumption to customers who have purchased food or a meal provided that no more than one bottle per each person twenty-one years of age or older, as verified (checking proper identification) by the private wine restaurant or qualifying private club~~, is one hundred dollars ($100), regardless of when the application is filed~~.

Additionally, the sale of wine (which includes hard ciders) by Class A licensees (licensees with an on-premises license – all private clubs (including fraternal licensees) and private wine restaurants) for off-premises consumption shall be only in sealed original containers, such as bottles, boxes or cans, subject to age and capacity verification as provided in Chapter 60, Article 8, the Sale of Wine, during the stated hours of operation from Class A licensees who are closed for the on-premises consumption of food during the State of Emergency.

This does not authorize wine or hard cider deliveries by licensees or third parties to consumers. The suspended and edited rule merely permits the sale of wine or hard cider in sealed original containers, such as sealed bottles, boxes or cans, with take-away food orders from Class A

licensees who are closed for on-premises consumption of food during the State of Emergency. Additionally, the off-premises sale of sealed wine bottles, boxes or cans does not apply to private wine restaurants and private clubs that are located in any "dry" areas of the state. If a private wine restaurant or private club is located in a "dry" area then such sales are not permitted by this rule suspension. Wine or hard cider growlers are not permitted under the West Virginia Code.

Lastly, in the best interest of the public health, safety and welfare of the citizens of the State of West Virginia, the WVABCA hereby advises all licensees that per the West Virginia Constitution and West Virginia Code liquor sales from Class A licensed private clubs for off-premises consumption are prohibited. This means no liquor drinks and no liquor bottles may be sold by private clubs or bars for take-away or to-go orders.

The Governor by his emergency powers has not waived or changed any provisions in the West Virginia Constitution pertaining to intoxicating liquors nor any open container provisions in the West Virginia Code.

Note, any licensees that fail to adhere to the Governors Executive Order 2-20 during the State of Emergency could be subject to WVABCA penalties including monetary, immediate suspension in the interest of public health and safety and revocation of the licensee's license, and also other penalties under local and state law, which could include criminal penalties.

If you have any further questions, please feel free to contact the WVABCA at 304-356-5500 or toll free at 800-642-8202, or via email at the appropriate contact noted on the WVABCA's website (www.abca.wv.gov).

Sincerely,

/s/ Fredric L. Wooton, Commissioner
WVABCA
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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3/18/2020 12:46:03 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Highways TITLE-SERIES: 157-06

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

RULE NAME: USE OF STATE ROAD RIGHTS OF WAY AND ADJACENT AREAS

CITE STATUTORY AUTHORITY: W. Va. Code §17-1-1 et seq.; §17-3-9; §§17-4-1, 2, 39, 40, and 45; §17-16-1 et seq.; §17-20-1 et seq.; §17-22-1 et seq.; §17-23-1et seq.; §17-23-1 et seq.; and §17-24-1 et seq.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB364

Section 1 Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 18, 2020

This rule shall terminate and have no further force or effect from the following date:

March 18, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Rita A Pauley -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/17/2020 3:37:52 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Highways TITLE-SERIES: 157-07

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

RULE NAME: Transportation of Hazardous Wastes upon the Roads and Highways

CITE STATUTORY AUTHORITY: W. Va. Code 22-18-7(a)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) S.B.364

Section b Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 17, 2020

This rule shall terminate and have no further force or effect from the following date:

March 17, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes
Rita A Pauley -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/18/2020 11:04:28 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Highways TITLE-SERIES: 157-13

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

RULE NAME: Small Wireless Facilities on Division of Highways Rights-of-Way

CITE STATUTORY AUTHORITY: W.Va.Code §31H-2-3

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB364

Section 1 Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 18, 2020

This rule shall terminate and have no further force or effect from the following date:

March 18, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes
Rita A Pauley -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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3/16/2020 2:07:50 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Labor TITLE-SERIES: 42-32

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

RULE NAME: Supervision of Plumbing Work

CITE STATUTORY AUTHORITY: W. Va. Code §§21-14-4 and 21-1E-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 449

Section §64-10-2 Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2020

This rule shall terminate and have no further force or effect from the following date:

May 01, 2030

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mitchell E Woodrum -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
3/16/2020 2:10:35 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Labor TITLE-SERIES: 42-34

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

RULE NAME: Regulation of Heating, Ventilating, and Cooling Work

CITE STATUTORY AUTHORITY: W. Va. Code §§21-16-5 and 21-1E-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 449

Section §64-10-2 Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2020

This rule shall terminate and have no further force or effect from the following date:

May 01, 2030

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Mitchell E Woodrum -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
3/18/2020 10:10:17 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Motor Vehicles TITLE-SERIES: 91-15

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

RULE NAME: Safety And Treatment Program

CITE STATUTORY AUTHORITY: W. Va. Code §§17A-2-9 and 17C-5A-3

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB364

Section §64-8-2(a) Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 18, 2020

This rule shall terminate and have no further force or effect from the following date:

March 18, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ronald David Johnson Jr Mba -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
3/18/2020 11:53:09 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Motor Vehicles TITLE-SERIES: 91-24

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

RULE NAME: STATE VEHICLE TITLE, REGISTRATION AND RELICENSING PROJECT OF 2018

CITE STATUTORY AUTHORITY: W. Va. Code § § 17A-3-25 and 29A-3-1 et seq.

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB364

Section §64-8-2(b) Passed On 2/12/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

March 18, 2020

This rule shall terminate and have no further force or effect from the following date:

March 18, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ronald David Johnson Jr Mba -- 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

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
3/20/2020 10:44:19 AM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Secretary Of State TITLE-SERIES: 153-53

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: ELECTION PROCESSES AND ABSENTEE ELIGIBILITY DURING STATE OF EMERGENCY

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

3-1A-6(e)

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Donald Kersey

ADDRESS: State Capitol Bldg 1 Ste 157 K

Charleston, WV 25305

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 304-558-6000

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Orders Report

Docket Number	Agency	Respondent	Date Rendered
20-7-11808-X	**Health Care Authority**	St. George Medical Clinic, Inc.	3/12/2020
20-10-11814-X	**Health Care Authority**	Tender Loving Care Health Care Services of West Virginia, LLC	3/12/2020
20-3-11807-X	**Health Care Authority**	RSCR West Virginia, Inc.	3/12/2020
[illegible]	**Insurance Commission**	United Services Automobile Association	3/2/2020
[illegible]	**Medicine, West Virginia Board Of**	Daniel Tak Chi Chan, MD	3/17/2020
[illegible]	**Medicine, West Virginia Board Of**	Anna Maria Suray, MD	3/17/2020

GOVERNOR'S PROCLAMATION

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

A PROCLAMATION

By the Governor

WHEREAS, beginning on the Twenty-first day of January, Two Thousand Twenty, the Center for Disease Control and Prevention activated their Emergency Response Center and began responding to an outbreak of respiratory disease caused by a novel (new) coronavirus that was first detected in China and which has now been detected in numerous countries, including in the United States; and

WHEREAS, a State of Preparedness was issued on the Fourth Day of March, Two Thousand Twenty for all counties in West Virginia, to allow agencies to coordinate and create necessary measures to prepare for the COVID-19 virus; and

WHEREAS, it is of the utmost importance that our Cabinet Secretaries, Commissioners, and Directors throughout the state have the ability to take measures necessary to ensure the safety of our citizens; and

WHEREAS, the COVID-19 epidemic constitutes a disaster under section two, article five, chapter fifteen of the Code of West Virginia; and

WHEREAS, COVID-19 has been deemed a pandemic by the World Health Organization and the President of the United States has declared a national emergency; and

WHEREAS, it is in the best interest of the citizens of West Virginia that we are able to stand up emergency operation centers and allow boards and agencies to suspend certain rules that inhibit them from responding effectively; and

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as Governor of the State of West Virginia, and in view of the foregoing, do hereby **FIND AND DECLARE** that a State of Emergency does exist in Barbour, Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Morgan, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties of West Virginia, said State of Emergency to remain in effect unless terminated by subsequent Proclamation. I therefore **INVOKE** the emergency powers set forth in section six, article five, chapter fifteen of the Code of West Virginia; **UTILIZE** the Emergency Operations Plan, as necessary; **ORDER** the West Virginia Department of Health and Human Resources, the West Virginia Division of Homeland Security and Emergency Management, and the West Virginia National Guard to mobilize appropriate personnel and resources to respond to the emergency; order all other state agencies to assist as may be requested and to do everything reasonably possible to assist affected areas and people in this state; and **DELEGATE** certain administrative powers to the West Virginia Department of Health and Human Resources, the Director of the West Virginia Division of Homeland Security and Emergency Management, and the West Virginia National Guard, as necessary, to facilitate the provision of essential emergency services to alleviate the potential impacts to the people, property, and infrastructure of West Virginia that may be caused by this outbreak. Further, I hereby **ORDER** that it is unlawful for any person, business, or other entity to sell any food items, essential consumer items, and emergency supplies in a manner that violates the provisions of section three, article six J, chapter forty-six A of the Code of West Virginia.

Finally, I hereby **DELEGATE** to all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Sixteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the State

SECRETARY OF STATE

GOVERNOR'S PROCLAMATION

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 2-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article Five, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, large-scale threat exists throughout the state because of COVID-19, especially where people tend to gather in close proximity, including in casinos and businesses that serve food and drink to the public such as bars and restaurants, and it is in the interest of public health that such gatherings be limited to the extent reasonably possible; and

WHEREAS, the negative economic impact to businesses such as bars and restaurants from limiting occupancy in such establishments to prevent the spread of COVID-19 can be mitigated by prohibiting on-premises consumption to avoid unreasonable numbers from congregating in such establishments, but by providing that such establishments may continue to serve food and drink to customers by take-away or delivery; and

WHEREAS, each state agency, including the West Virginia Alcohol Beverage Control Administration, has been delegated authority pursuant to the State of Emergency Declaration to suspend the provisions of its regulatory statutes or rules to the extent necessary to cope with the emergency, and any such suspension will be in harmony with the intent of this Executive Order.

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article Five, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, effective as of 12:00 AM, Eastern Standard Time, on the Eighteenth day of March, Two Thousand Twenty, all casinos shall be closed to the general public and that all restaurants and bars throughout the 55 counties of this state shall not allow on-premises consumption of food or drink or occupancy by the general public for purposes other than picking up food and/or drink from such establishment to be taken away.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 3-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article Five, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, Executive Order 2-20, entered earlier on this Eighteenth day of March, Two Thousand Twenty ordered that effective as of 12:00 AM, Eastern Standard Time, on the Eighteenth day of March, Two Thousand Twenty, all casinos are to be closed to the general public and that all restaurants and bars throughout the 55 counties of this state shall not allow on-premises consumption of food or drink or occupancy by the general public for purposes other than picking up food and/or drink from such establishment to be taken away; and

WHEREAS, large-scale threat exists throughout the state because of COVID-19 where people tend to congregate such as fitness centers, gymnasiums, recreation centers, and similar businesses or entities where the public tends to congregate for recreation, sport, or similar leisure activities, and it is in the interest of public health that such gatherings be limited to the extent reasonably possible; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article Five, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, effective as of 12:00 AM, Eastern Standard Time, on the Nineteenth day of March, Two Thousand Twenty, all fitness centers, gymnasiums, recreation centers, and similar businesses or entities where the public tends to congregate for recreation, sport, or similar leisure activities throughout the 55 counties of this state shall not allow occupancy by the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Eighteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 4-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et. seq., and consistent with Section 1135 of the Social Security Act, as amended, 42 U.S.C. § 1320b-5, declared that the COVID-19 outbreak in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, the public workforce system plays an important role in the lives and economic wellbeing of West Virginia citizens; and

WHEREAS, the United States Department of Labor on March 12, 2020, granted states flexibility in administering unemployment insurance programs to assist Americans affected by the COVID-19 outbreak; and

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of the State of West Virginia do hereby **DIRECT** the West Virginia Department of Commerce/WorkForce West Virginia to ensure that individuals who, due to a documented medical condition caused by COVID-19 or due to communicable disease control measures related to COVID-19, are separated from employment, have had their hours of employment reduced, or are prevented from working, shall be eligible for unemployment benefits to the maximum extent permitted by federal law. For the purposes of this Executive Order, communicable disease control measures shall include quarantine or isolation directives or orders related to COVID-19, including orders that have been issued or may be issued from time to time relating to the closure or limitation of occupancy of certain types of businesses or facilities to limit the spread of COVID-19, issued by the State of West Virginia, the federal government, a local government entity, or a medical or public health professional.

Furthermore, I **DIRECT** the West Virginia Department of Commerce/WorkForce West Virginia to provide the necessary unemployment benefits to those affected by COVID-19 to the maximum extent permitted under federal law, and for so long as the State of Emergency Declaration regarding COVID-19, dated March 16, 2020, remains in place, and to interpret flexibly or waive, as appropriate, the following:

i. the one-week waiting period for benefits (W. Va. Code § 21A-6-2);

ii. the able to work and available to work requirements (W. Va. Code § 21A-6-1(3));

iii. the work search requirements (W. Va. Code § 21A-6-1(6)); and

iv. the actively seeking work requirements (W. Va. Code § 21A-6-1(6)).

Furthermore, if the West Virginia Department of Commerce/WorkForce West Virginia identifies other state laws, regulations, and policies that may inhibit the fair and timely distribution of unemployment benefits to those affected by COVID-19, it is directed to inform the Office of the Governor in writing. Upon written authorization from the Office of the Governor, the West Virginia Department of Commerce/WorkForce West Virginia may interpret flexibly, modify, or waive those state laws, regulations, and policies, as appropriate, to the maximum extent permitted under applicable federal law to effectuate the purposes of this Order.

Furthermore, the West Virginia Department of Commerce/WorkForce West Virginia is **ORDERED** to postpone all mandatory in-person contact with individuals seeking unemployment benefits, as long as the State of Emergency for COVID-19 remains in effect. The West Virginia Department of Commerce/WorkForce West Virginia is further ordered to provide reasonable means for the filing of initial claims and weekly certifications, including both telephone and internet access.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Nineteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 5-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et. seq., and consistent with Section 1135 of the Social Security Act, as amended, 42 U.S.C. § 1320b-5, declared that the COVID-19 outbreak in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, counties are responsible for maintaining daily services including access to the circuit court and magistrates; and

WHEREAS, counties need to have the authority and flexibility to staff, hold meetings, and limit access to the public as each sees fit to not only maintain services but to protect county employees and limit exposure from those who may be carriers of COVID-19, including but not limited to the authority and flexibility to restrict or limit access by the public to the county courthouse and other government facilities under their jurisdiction; and

NOW, THEREFORE, I, JIM JUSTICE, by virtue of the authority vested in me as the Governor of the State of West Virginia do hereby **DECLARE** that counties have the authority and flexibility to evaluate courthouse services and staffing and to make decisions that are in the best interest of each respective county, as each respective county may determine. Counties have the authority under state law to issue orders and guidance and to take other actions as necessary to protect the public health, safety, and welfare. County staff shall take such actions to effectuate the order and guidance of county commissioners, in consultation with circuit court judges where appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Nineteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 6-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency Declaration"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article Five, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area, and the occupancy of premises therein; and

WHEREAS, Executive Order 2-20 and Executive Order 3-20 have ordered closed or otherwise limited occupancy of businesses and establishments such as casinos, restaurants, bars, fitness centers, gymnasiums, and recreation centers, all to protect public health, safety, and welfare; and

WHEREAS, large-scale threat exists throughout the state because of COVID-19 and people tend to gather in close proximity in additional types of businesses and facilities such as barber shops, nail salons, and hair salons, and it is in the interest of public health that such gatherings be limited to the extent reasonably possible; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article Five, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, effective as of 12:00 AM, Eastern Standard Time, on the Twentieth day of March, Two Thousand Twenty, all barber shops, nail salons, and hair salons throughout the 55 counties of this state shall not allow occupancy by the general public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol in the City of Charleston, State of West Virginia, this Nineteenth day of March, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-seventh year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

FILED IN THE OFFICE OF
THE SECRETARY OF STATE
TIME DATE March 18, 2020
ADMINISTRATIVE LAW DIVISION

AG OPINION

State of West Virginia
Office of the Attorney General

Patrick Morrisey
Attorney General

(304) 558-2021
Fax (304) 558-0140

March 18, 2020

The Honorable Mac Warner
West Virginia Secretary of State
State Capitol Building 1, Room 157-K
1900 Kanawha Blvd. East
Charleston, WV 25305

Dear Secretary Warner:

You have asked for an Opinion of the Attorney General concerning the authority of the Secretary of State ("the Secretary") to issue emergency rules related to the upcoming primary election in response to widespread public-health concerns. This Opinion is being issued pursuant to West Virginia Code § 5-3-1, which provides that the Attorney General "shall give written opinions and advise upon questions of law . . . whenever required to do so, in writing, by . . . the Secretary of State." To the extent this Opinion relies on facts, it is based solely on the factual assertions in your correspondence with the Office of the Attorney General and in the March 16, 2020 proclamation by Governor James C. Justice II declaring a state of emergency.

Your letter describes the consequences that the spread of COVID-19 ("coronavirus") may have on the upcoming statewide primary election, which is scheduled for May 12, 2020. Your request describes several ways that the spread of coronavirus—or the fear thereof—could affect your office's ability to protect voters' rights and public safety, while maintaining public confidence in the integrity of the election process. Your request identifies provisions of the West Virginia Code that address emergency and disaster response, and asks what authority these provisions grant the Secretary when determining how best to administer a primary election in the event of a viral epidemic.

Your letter raises two primary legal questions:

(1) Do the Secretary's emergency rulemaking powers apply in the context of an epidemic like the spread of coronavirus, and if so how is this authority invoked?

(2) What is the extent of the Secretary's authority under these provisions?

With respect to the first question, we conclude that Section 3-1A-6(e) of the West Virginia Code, which governs emergency election procedures, can apply in the face of an actual or imminent viral epidemic in the State. This provision can be invoked by declaration of the Governor or by order of the Chief Judge of an affected judicial circuit; the Governor's March 16 declaration satisfies the statutory standard. With respect to the second question, we conclude that Section 3-1A-6(e) grants the Secretary broad emergency powers outside the ordinary rulemaking process where necessary to promote voter access and public confidence in the election process, but that any emergency rules may not contradict the specific requirements governing elections already set forth in the Code.

Discussion

Most provisions of law controlling the conduct of elections in West Virginia are set forth in Chapter Three of the West Virginia Code. Among other things, Chapter Three prescribes the date and time of elections, the timeframes for registering to vote, and the circumstances in which individuals may cast absentee ballots in person or by mail. W. Va. Code §§ 3-1-31, 3-5-1; 3-1-3, 3-1-3a; 3-3-1.

The Secretary is the "chief election officer" of the State, W. Va. Code § 3-1A-6(a), and as such has many powers and responsibilities related to the administration of Chapter Three. With respect to rulemaking, the Secretary may consult with the State Election Commission to "promulgate legislative rules . . . as may be necessary to standardize and make effective the provisions of [Chapter Three]." *Id.* The Secretary also has power to promulgate "emergency rules" in certain circumstances. *See, e.g.*, *id.* §§ 3-1-48(i) (Secretary may issue emergency rules to effectuate the State's access to federal grants under the Help America Vote Act); 3-12-14(a)(3) (Secretary may issue emergency rules to effectuate the public financing program for Supreme Court of Appeals elections). Most relevant to your request, Section 3-1A-6(e) also provides emergency rulemaking powers in the event of a natural disaster, war, or similar exigent circumstance:

> (1) The Secretary shall also have the power, after consultation with the Secretary of the Department of Military Affairs and Public Safety, to implement emergency procedures and rules to ensure that all eligible voters have the opportunity to cast a valid ballot and to uphold the integrity of an election in the

event of natural disaster as declared by the Governor of this state, terrorist attack, war or general emergency, if any of which occur during or immediately preceding an election.

(2) For purposes of this subsection, a "general emergency" means circumstances preventing the casting of ballots in one or more voting precincts. The chief judge of the circuit court of the county where the casting of ballots is being prevented must declare by order that a general emergency exists.

W. Va. Code § 3-1A-6(e).

The Secretary's emergency authority under Section 3-1A-6(e) differs from ordinary rulemaking power in four respects. *First*, this authority may be invoked in four specific circumstances during or immediately before an election: a "natural disaster as declared by the Governor of this state, terrorist attack, war or general emergency." W. Va. Code § 3-1A-6(e)(1). *Second*, the Secretary consults with the Secretary of the Department of Military Affairs and Public Safety, rather than the Board of Elections, before implementing rules pursuant to Section 3-1A-6. *Id. Third*, these rules take effect immediately: The Secretary is empowered to "implement" election rules as "emergency rules," which are not subject to pre-approval by the Legislature, in contrast to ordinary rules. *Id.*; *see also id.* § 29A-3-15(a). *Fourth*, instead of general rules that are issued to "standardize and make effective" Chapter Three's provisions, rules issued under Section 3-1A-6(e) must advance the twin goals of "ensur[ing] that all eligible voters have the opportunity to cast a valid ballot" and "uphold[ing] the integrity of an election." *Id.* § 3-1A-6(a), (e)(1).

I. Section 3-1A-6(e) Applies In Response To Public-Health Concerns After Declaration Of The Governor Or Order Of The Chief Judges Of The Judicial Circuits Where Affected Precincts Are Located.

Your first question concerns the first of these four distinctions. Your letter asks whether Section 3-1A-6(e) can apply in the context of a threatened public-health crisis (as opposed to an attack or a natural disaster like a flood), and the mechanisms by which it can be invoked. We conclude that the proclamation declaring a state of emergency issued by Governor Justice on March 16, 2020 is sufficient to trigger Section 3-1A-6(e), and note that the Secretary's authority could also be invoked by an order from the Chief Judge of each judicial circuit affected by the threat of an epidemic.

The first basis for invoking Section 3-1A-6 is "in the event [that] a natural disaster [is] declared by the Governor." W. Va. Code § 3-1A-6(e)(1). The West Virginia Code does not contain a specific procedure for declaring a "natural disaster." Rather, the Governor may declare a general state of emergency or a state of preparedness "if a natural or man-made disaster of major proportions has actually occurred or is imminent within the state." *Id.* § 15-5-6(a). This

AG OPINION

statute expressly includes an "epidemic" as one form of "disaster" for which the Governor may make an emergency declaration. *Id.* § 15-5-2(h). As Section 3-1A-6(e) and the emergency-declaration provisions "relate to the same persons or things [and] have a common purpose," we "regard[] [them] in *pari materia* to assure recognition and implementation of the legislative intent." *Miller v. Wood*, 229 W. Va. 545, 552, 729 S.E.2d 867, 874 (2012). Thus, a state of emergency declared on the basis of an "actual[]" or "imminent," naturally occurring "epidemic,"

W. Va. Code § 15-5-6(a) would satisfy Section 3-1A-6(e)'s requirement of a "natural disaster" "declared by the Governor," *id.* § 3-1A-6(e)(1).

Here, the Governor's March 16 proclamation found that "the COVID-19 epidemic constitutes a disaster under section two, article five, chapter fifteen of the Code of West Virginia," and declared a state of emergency in all 55 counties. STATE OF WEST VIRGINIA, EXEC. DEP'T, A PROCLAMATION BY THE GOVERNOR 1-2 (Mar. 16, 2020), *available at* https://governor.wv.gov/Documents/2020%20Proclamations/State-of-Emergency-March-16-2020.pdf. This disaster is plainly "natural" as every indication shows it is not man-made, and rather arose and spreads through natural processes. Regardless, an epidemic like that at issue here is a valid statutory basis for the Governor to declare an emergency, and because there is no separate statutory mechanism to declare a "natural disaster," it seems clear that the Legislature intended the Secretary to be able to implement emergency election rules in response to a state of emergency. We thus conclude that the Governor's March 16 declaration declaring that a state of emergency exists because of the coronavirus epidemic is a sufficient basis to trigger the Secretary's powers under Section 3-1A-6(e).

Section 3-1A-6(e) would also independently apply in any counties where the chief judge of the relevant circuit court, as described in West Virginia Code Section 51-2-1(a), issues an order finding a "general emergency" because "circumstances [are] preventing the casting of ballots in one or more voting precincts" within the circuit. W. Va. Code § 3-1A-6(e)(1)-(2). Public-health related travel restrictions or advisories would almost certainly satisfy this standard. Your letter also asks what procedures would govern seeking an order declaring a "general emergency." The West Virginia Code and circuit court rules do not require a specific process for issuing such an order, but based on similar contexts, the chief judge could issue this order *sua sponte* or at the Secretary's request. Chief judges are free to make similar determinations *sua sponte*, for example, when "weather or other emergency conditions in that county prevent the general transaction of court business in that county." *Id.* § 2-2-2(b); *see also id.* § 3-10-3(b) (chief judge of a circuit is "responsible for" issuing an order and proclamation of special elections to fill judicial vacancies). Nevertheless, we note that orders declaring a general emergency must be issued by each of West Virginia's thirty-one judicial circuits; no provision of the Code or West Virginia Constitution provides authority for the Supreme Court of Appeals to declare a statewide emergency (outside the context of court administration), and such an order could create tension with the Governor's power to do so under Section 15-5-6.

II. Section 3-1A-6(e) Authorizes Emergency Election Rules To Ensure Eligible Voters Have The Opportunity To Vote And To Uphold Election Integrity, Provided They Do Not Contradict Clear Statutory Requirements.

Your second question asks about the scope of the Secretary's powers under Section 3-1A-6(e), including whether they include the ability to implement emergency election rules that are "beyond or different than those in current" election laws. We conclude that the statute provides authority to issue broad, flexible rules without following the ordinary rulemaking procedures where those rules are consistent with Chapter Three or speak to an issue on which the statute is silent. Section 3-1A-6(e) does not, however, authorize rules that contradict a clear statutory command.

The Secretary's general power to promulgate legislative rules is limited to rules that are "necessary to standardize and make effective the provisions of [Chapter Three]." W. Va. Code § 3-1A-6(a). The Secretary's power to implement emergency election rules is broader, extending beyond what is merely "necessary" to implement the specific directives of Chapter Three to include rules designed to "ensure that all eligible voters have the opportunity to cast a valid ballot and to uphold the integrity of an election." *Id.* § 3-1A-6(e)(1). Omitting the narrowing focus on "the provisions of [Chapter Three]" indicates that the Legislature intended to grant more latitude under Section 3-1A-6(e) to implement emergency election rules than for ordinary election rules. *See Christopher J. v. Ames*, 241 W. Va. 822, 831, 828 S.E.2d 884, 893 (2019) ("As the United States Supreme Court has recognized, when the Legislature includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that the Legislature acts intentionally and purposely in the disparate inclusion or exclusion." (Quotation and alterations omitted)); *see also Gibson v. Northfield Ins. Co.*, 219 W. Va. 40, 47, 631 S.E.2d 598, 605 (2005) ("Explicit direction for something in one provision, and its absence in a parallel provision, implies an intent to negate it in the second context." (Quotation and alterations omitted)).

This broad power to implement emergency election rules is subject to two important limitations. *First*, the Legislature may validly delegate rulemaking power only where it defines "clear public policy objectives or guidelines." *Fairmont Gen. Hosp., Inc. v. United Hosp. Ctr., Inc.*, 218 W. Va. 360, 367, 624 S.E.2d 797, 804 (2005) (citing W. Va. Const. art. VI, § 1). Here, the Legislature's policy objectives for emergency election rules include "ensur[ing] that all eligible voters have the opportunity to cast a valid ballot" and "uphold[ing] the integrity of [the] election." W. Va. Code § 3-1A-6(e)(1). Any rules issued pursuant to Section 3-1A-6(e) thus must be in furtherance of these goals. *Second*, it is a foundational tenet of regulatory rulemaking that "[w]here a statute contains clear and unambiguous language, an agency's rules or regulations must give that language the same clear and unambiguous force and effect that the language commands in the statute." Syl. pt. 4, *Maikotter v. Univ. of West Virginia Bd. of Trustees/West Virginia Univ.*, 206 W. Va. 691, 527 S.E.2d 802 (1999). Thus, the Secretary

cannot implement emergency election rules that violate or alter clear statutory requirements in Chapter Three.

Any emergency election rule the Secretary implements must therefore operate within the boundaries of Chapter Three and advance the twin goals of promoting eligible voters' ability to vote and ensuring election integrity. These guidelines leave a number of options open to the Secretary under Section 3-1A-6(e) when preparing for the upcoming primary election—especially because Chapter Three is "construed in favor of enfranchisement, not disenfranchisement," so any ambiguity when implementing Chapter Three during a state of emergency would likely be resolved in favor of broader access for eligible voters. *State ex rel. Bowling v. Greenbrier Cty. Comm'n*, 212 W. Va. 647, 649, 575 S.E.2d 257, 259 (2002) (citing *State ex rel. Sowards v. Cty. Comm'n of Lincoln Cty.*, 196 W.Va. 739, 750, 474 S.E.2d 919, 930 (1996)).

One option almost certainly available to the Secretary, for example, would be allowing broader access to absentee, by mail voting in the 2020 primary election. Chapter Three makes individuals eligible to vote absentee by mail if they are "confined to a specific location and prevented from voting in person throughout the period of voting in person" due to "illness . . . or other medical reason." W. Va. Code § 3-3-1(b)(1)(A). The statute does not specifically define "other medical reason," which leaves room for the Secretary to issue an emergency rule interpreting this term for purposes of the upcoming primary election to encompass individuals subject to mandatory or voluntary quarantine, as well as those advised to limit travel or avoid locations—like polling places—with groups of people in close proximity. Under an emergency rule of that nature, all eligible voters could likely vote absentee by mail while the coronavirus epidemic affects or threatens the State by relying on state-wide or local advisories. A rule could also account for national directives, like the President's recent guidelines for mitigating the spread of coronavirus that call on everyone in the country to "avoid discretionary travel," stay home whenever possible, and avoid gatherings of more than ten people. CTR. DISEASE CONTROL, THE PRESIDENT'S CORONAVIRUS GUIDELINES FOR AMERICA: 15 DAYS TO SLOW THE SPREAD 2 (Mar. 16, 2020), *available at* https://www.whitehouse.gov/wp-content/uploads/2020/03/03.16.20_coronavirus-guidance_8.5x11_315PM.pdf. An emergency rule interpreting the statutory grounds for eligibility to vote absentee by mail that is tailored to the coronavirus epidemic would be consistent with Chapter Three, and would also advance the Secretary's duty under Section 3-1A-6(e) to help "ensure all eligible voters have an opportunity to cast a valid ballot."

While the Governor's declaration of emergency remains in place, we thus conclude that the Secretary may take emergency measures like the example above that help ensure voter access and election integrity in the primary election, as long as those measures do not conflict with the clear, unambiguous text of Chapter Three. Section 3-1A-6(e) is designed to provide broad and flexible authority to respond to serious public-health concerns like the coronavirus epidemic. The Secretary has full authority to invoke those powers now and while the state of emergency persists.

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Finally, although this Opinion Letter addresses the Secretary's emergency powers, we also note that the Governor has separate and more extensive authority under a state of emergency. West Virginia Code § 15-5-6(c)(7), for instance, gives the Governor power "[t]o suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business . . . if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency." Similarly, West Virginia Code § 15-5-6(c)(6) provides authority "[t]o control ingress and egress to and from a disaster area or an area where large-scale threat exists, the movement of persons within the area and the occupancy of premises therein." Arguably, these provisions could support an order from the Governor regarding safe election procedures—potentially including personnel at polling places or the date of the primary election—if necessary to address the emergency that the coronavirus epidemic poses for the State.

Sincerely,

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SECRETARY OF STATE

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July 1, 2019 – June 30, 2020

INTENDED USE PLAN (Revised)

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

March 2020

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July 1, 2019 – June 30, 2020 Intended Use Plan (Revised)

I. INTRODUCTION

The Inttended Use Plan has been updated to revise the Project Prority List. There were two new projects added to the list that have expressed an intrest in using DETRF funding. The projects added were Jumping Branch-Nimitz PSD's Broomstraw Rd./Mark Meador Rd. Extension project and Chestnut Ridge PSD's Water System Improvements Project. The public comment process has been update for this revised IUP.

The Safe Drinking Water Act (SDWA) amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems in financing 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 2020 (FFY 2019) Capitalization Grant funds totaling $11,004,000 and will require a 20% state match of $2,200,800. The available State Program Cash Match is $647,500. The West Virginia Infrastructure and Jobs Development Council (Infrastructure Council) will committ the funds for the required 20% match at its June 2019 meeting. We are also requesting $3,076 reimbursement of unspent In-Kind services from the 2017 grant. This amount will not require a state match and will be added to the construction fund.

From the FFY 2019 Capitalization Grant, $8,355,836 (along with the state match, projected earned interest, loan repayments and In-Kind reimbursements) 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.

II. 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. One hundred percent (100%) of this year's planned 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 30% 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.

Each water system submits a pre-application through the Infrastructure Council, also:

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, they submit 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 Public Service Commission application, where applicable, has been submitted, etc.) are given top priority when issuing binding commitment letters, thus, some projects which have not received other funding or have not been designed will be bypassed in accordance with the 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 that have been approved by the Infrastructure Council and have been scored and ranked can be given binding letter of commitments sooner. The PPL will include a summary of the health benefits for the project.

Water systems that have been on the prior PPL, but have not received a funding commitment will be added to the new PPL unless we have information that would indicate they no longer wish to obtain DWTRF funding.

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

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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 Enforcement Tracking Tool (ETT). The ranking system allows coordination of projects funded with consideration of the enforcement agency. It is the ultimate responsibility of the water system to inform the DWTRF staff of changes to its readiness to proceed status.

Projects expecting to receive assistance from the FFY 2019 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.

All projects on the PPL will be designated as equivalency projects unless specifically stated on the PPL as not being an equivalency project.

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. 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 SDWA, 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.

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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. DWTRF 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. Emergency projects will be able to be assigned to any capitalization grant for available funding. All emergency projects must be reviewed and approved by the Infrastructure Council.

E. Loan Terms and Fees

Eligible public water systems may 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 $10,553,560 ($8,352,760 of federal funds and $2,200,800 state matching funds) to provide loans to public water systems for infrastructure improvements. The DWTRF program interest rates will be below AAA Municipal Yield Market rates.

Interest Rate

a) The affordability standard for the annual water user rate is set at 1.25% of Median Household Income (MHI) for 3,400 gallon monthly usage as defined by the Infrastructure Council rules unless the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately. In this case, the magisterial district census data may be used in place of the county census data. Projects previously reviewed by the Infrastructure Council will be 'grandfathered' for up to three years from the date of the change by the Infrastructure Council. The DWTRF program will typically use the same data and criteria for median household income and typical residential usage rates as the Infrastructure Council to achieve consistency in affordability and financial evaluations by state funding agencies. If the utility can provide a reasonable justification for use of magisterial district median household incomes, the DWTRF program can use them instead of the county or municipal census data. The threshold of 1.25% may be lower than the rate the Infrastructure Council 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 for disadvantaged public water systems. Principal forgiveness alone may be provided to water systems for a design loan or for construction if special circumstances occur for the project. The disadvantaged loan interest rate will be 1.0%. The non-disadvantaged water systems will be eligible for 3.00% loans.

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. A recent change in the federal Water Infrastructure Finance and Innovation Act (WIFIA) now allows the DWTRF program to extend its loan terms by an additional ten years provided the project equipment has a life span at least as long as the loan term.

Administrative Fees

The OEHS administrative fee for projects is 0.25% 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

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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 Infrastructure Council or principal forgiveness, if eligible and necessary. Design loan payback will begin within nine months following the design's 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 loans 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 that did not receive funding commitments and new applications. Project representatives of prior listed projects were contacted to determine if they still desired DWTRF funding. Those projects which 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.

G. Additional Subsidization

The Capitalization Grant requires that at least 20% (at least 6% must be used for disadvantaged communities per WIFIA) of assistance provided up to a maximum of 35% of the grant is in the form of additional subsidies (principal forgiveness). OEHS has the authority to offer principal forgiveness loans in an amount up to100% 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 five projects that are eligible to receive $2,722,616 in subsidization for disadvantaged water systems. The 20% amount of the capitalization grant funds is $2,200,800 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 wages for all construction contracts. All loan recipients must also follow all federal Department of Labor DB Wage Rate requirements.

J. Asset Management Implementation Effect on Loan Rates

The DWTRF program has required loan recipients to implement a BPH approved asset management plan (AMP) since 2009 to help ensure sustainability of their water systems by properly managing their assets. As many of these plans have been developed and approved by BPH, we are now assessing the required maintenance and use of the approved plan in subsequent loan applications. For those systems that have maintained and updated their AMP they will be eligible for a reduction of their eligible loan rate by 0.5% on their next project funding. Conversely, those systems who had an approved AMP, but have not maintained the AMP, will be assessed an additional 0.5% above their eligible loan rate on their next project funding. Loan recipients who have not maintained their AMP will be required to update their AMP as part of the funding process for a new loan.

K. American Iron and Steel

All projects funded by this IUP will follow all of the American Iron and Steel requirements as prescribed by EPA issued documents.

L. Disadvantaged Business Enterprise (DBE)

All projects funded by this IUP will follow all of the Disadvantaged Business Enterprise requirements as prescribed by EPA issued documents.

III. 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. The DWTRF program financial status is healthy with a principal and interest repayment stream from loans at $8,000,000 per year. The Administrative fee from loans has an annual income stream of $800,000 which would sustain the administrative staff in perpetuity.

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 2019 and shows the projected disbursed and obligated amounts through 2020.

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TABLE 1. FUNDS AWARDED PRIOR TO STATE FISCAL YEAR 2018 (Construction & Set-Asides)

U.S. Environmental Protection Agency (Total from 1998 through and including 2018)*	$213,363,782
WV State Match – Infrastructure Council (Total from 1998 through and including 2018)	$38,759,157
WVDHHR: 10% Set-Aside State Match (Total from 1998 through and including 2018)	$14,124,100
SUB-TOTAL	$266,247,039
Loan Repayments (Principal only 2858) as of 12/31/18	$65,600,762
Admin. Fee plus Fee Investment Interest as of 12/31/18	$6,823,752
Interest (2858 Interest Repayment) Loans as of 12/31/18	$1,814,202
Interest Earnings (WVSTO Reinvestment Income 2858 & 2856) WV DWTRF as of 12/31/18	$4,348,417
TOTAL	$359,782,170

* Grant amounts include the in-kind services for the following grants:

FS-99390003 - $10,000 for Northbridge Environmental Program Support (4%)
FS-99390006 - $134,176 for AWOP/PBT Contractor Support (10%)
2F-99390009 - $250,000 for TetraTech Support of ARRA Projects (4%)
FS-99390010-1 - $228,679 for TetraTech Support of Projects (4%)
FS-99390010-1 - $200,000 for Compliance/Enforcement Contractor Support (10%)
FS-99390011 - $224,458 for project administration & Compliance Support (4%)
FS-99390011 - $25,542 for Compliance & Enforcement support (10%)
FS-99390011 - $100,000 for AWOP/PBT 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 (10%)
FS-99390015 - $300,000 for Source Water Protection (15%)
FS-99390015 - $191,300 for Capacity and Development (15%)
FS-99390017 - $74,924 for Source Water Protection (15%)
FS-99390018 - $0.00 for Source Water Protection
FS-99390019 - $0.00 for Source Water Protection

TABLE 2. FUNDS AWARDED DURING STATE FISCAL YEAR 2019 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390018) (Grant)	$11,107,000
WV State Match - Infrastructure Council (FS-993900018)	$2,221,400
WVDHHR: 10% Set-Aside State Match (FS-993900018) (Approp)	$647,500
TOTAL	$13,975,900

TABLE 3. FUNDS AWARDED DURING STATE FISCAL YEAR 2020 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390019) (Grant)	$11,004,000
WV State Match - Infrastructure Council (FS-993900019)	$2,200,800
WVDHHR: 10% Set-Aside State Match (FS-993900019) (Approp)	$647,500
TOTAL	$13,852,300

TABLE 4. SET-ASIDE FUNDS DISBURSED OR PROJECTED THROUGH STATE FISCAL YEAR 2019 & CONSTRUCTION LOANS & COMMITMENTS THROUGH JUNE 2019 (Construction & Set-Asides)

(Table 4 "Cumulative Grant Funds Received Thru 6/30/2018" includes the in-kind services for the capitalization grants)

Set-Aside Funds	Cumulative Grant Funds Received Thru 6/30/2018	Additional Funds From FS-99390019*	Minus In-Kind Services	Total Incoming Funds	Cumulative Funds Disbursed as of 12/31/18	Projected Disbursements From Jan '19 Thru June '20	Funds Remaining 6/30/2020
Administration (4%)	$7,207,656	$440,160	$1,013,137	$6,634,679	$5,831,984	$600,000	$202,695
Small Systems Technical Assistance (2%)	$3,817,631	$210,080	$0	$4,027,711	$3,613,391	$315,120	$99,200
Program Management Federal (10%)	$17,301,884	$1,100,400	$359,718	$18,042,566	$16,052,494	$1,600,000	$390,072
Program Management State Match (10%)	$14,679,132	$647,500	$0	$15,326,632	$13,349,109	$971,250	$1,006,273
Total Program Management	$31,981,016	$1,747,900	$359,718	$33,369,198	$29,401,603	$2,571,250	$1,396,345
Local Assistance (15%)	$24,789,180	$900,600	$1,286,300	$24,403,480	$22,391,721	$1,710,000	$301,759
Total Set-Aside Funds	$67,795,483	$3,298,740	$2,659,155	$68,435,068	$61,238,698	$5,196,370	$2,000,000
	Cumulative Construction Funds 6/30/2018	Construction Funds SFY2019 July 1, 2018 to Dec. 31, 2018	Projected Funds from January 2019 to June 2019	Projected Activity in SFY2020	Cumulative Construction Funds 6/30/2020		
Construction Assistance Funds From Cap Grant	$152,022,901	$8,224,530	$0	$8,355,836	$168,603,267		
20% State Match For Cap Grant	$36,537,757	$2,221,400	$0	$2,200,000	$40,959,157		
Loan Repayments (Principal Only)	$61,540,665	$4,060,096	$4,060,000	$8,120,000	$77,780,762		
Interest On Loans	$6,387,892	$435,860	$436,000	$802,000	$8,061,752		
Interest Earnings	$1,575,094	$239,107	$240,000	$480,000	$2,534,202		
Total Funds For Loans	$258,064,310	$15,180,993		$19,957,836	$297,939,139		
Closed Loans	$246,183,449	$633,704	$1,199,252	$31,568,296	$279,584,701		
Letters of Commitment	$0	$0	$0	$0	$0		
Planned Future Letters of Commitment		$0		$18,351,678	$18,351,678		
Total Committed/Planned Funds	$0	$0		$18,351,678	$18,351,678		
Funds Remaining To Be Committed					$2,760		
	Cumulative Administration Fees Thru 6/30/2018	Administration Fees SFY2019 July 1, 2018 to Dec. 31, 2018	Projected Fees from January 2019 to June 2019	Projected Fees in SFY 2020	Cumulative Administration Fees 6/30/2020		
Administrative Fees on DWTRF Assistance	$6,387,892	$435,860	$436,000	$802,000	$8,061,752		
Administrative Fees Withdrawals	$398,631	$60,837	$33,373	$75,000	$567,840		
Net Administrative Fees	$5,989,261	$375,023	$402,627	$727,000	$7,493,911		
Total Program Funds	$331,849,054	$18,854,756	$3,061,782	$89,119,904	$366,671,748		$9,496,671

OTHER

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	$440,160	$0	$0	$0	$0	$0	$440,160
Technical Assistance	$210,080	$0	$0	$0	$0	$0	$210,080
State Program Management	$1,100,400	$0	$647,500	$0	$0	$0	$1,747,900
Local Assistance	$900,600	$0	$0	$0	$0	$0	$900,600
Construction	$8,352,760	$2,200,800	$0	$0	$0	$0	$10,553,560
Total	$11,004,000	$2,200,800	$647,500	$0	$0	$0	$13,852,300

Notes to Table 5:

- Administrative Fees, Interest Earnings, and Loan Repayments are included in the grant application.
- Cash draws for loan disbursements will be proportional to the federal construction and matching state funds.
- There are no plans to transfer funds between the DWTRF and the Clean Water State Revolving Fund.

C. Types of Projects 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.

OTHER

IV. GOALS OF THE DWSRF

A. Short Term Goals

1) 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.

2) Support the Stream Gaging Network for the purpose of collecting steam flow data that is used to document variations in flow over time for various rivers in West Virginia. These data are used to develop more accurate flow models for future protection area generation and determining more accurate time of travel models for waterborne contaminants.

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 new customers whose water currently does not comply with the SDWA or is unreliable. The DWTRF has a utilization goal of meeting or exceeding the national average and the average of EPA's Region 3 states by achieving a 2020 fund utilization goal of 95%.

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.

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 PWSS through improved methodology and consistency of the sanitary surveys. This includes completion of a full complement of staffing in the district offices and implement an automated data collection system for laboratories to forward results to our agency.

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

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. Set-aside amounts requested in this IUP are supportive of minimizing ULOs.

V. 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 set-aside programs demonstrate compliance with the capacity development authority, capacity development strategy, and operator certification program provisions in order to avoid withholdings.

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 grant work plan.

No In-Kind Service funds from this grant will be used.

A. Administration ($440,160)

The SDWA authorizes the State to use 4% of the Capitalization Grant for administration of the DWTRF program or the maximum based on three options listed below. Based on option #3, $440,160 is eligible from the grant for the administration set-aside.

Option #	Description	Calculation	Result
1	$400,000 Flat Rate	n/a	$400,000
2	1/5th of one percent of the current total net position of the fund	$168,148,727 X 0.002	$336,297
3	4 percent of grant	$11,004,000 X 0.04	$440,160

The State plans to use this set-aside for administration 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.

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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 utilize the WDA, which already administers state-funded construction loans to public wastewater and water systems.

B. State Program Management ($1,100,400 – Federal; $647,500 - State Match Cash;

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, PWS operator certification and programs. This year no federal funds are requested from the reserve account. It will support the water systems needing to improve their facilities and security through source water grants. The state match is made through state appropriations.

C. **Technical Assistance ($210,080)**

The SDWA authorizes the State to use up to 2% of each capitalization grant to provide technical assistance to small water systems. The full amount of the 2% is being 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 of 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 ($900,600)

The SDWA authorizes the State to use up to 15% of the federal capitalization grant for this set-aside, but no more than 10% may be used for any one activity. Only $900,600 is being requested for this set-aside and adds $750,000 to the construction fund for this grant. These set-aside funds will be used for the Capacity Development Program, the Wellhead Protection (WHP) Program and grants, to support the Interstate Commission on the Potomac River Basin (ICPRB), Data Information System Management, improving GIS capabilities, to support the River Alert Information Network (RAIN), an internet website for GIS support, and a stream gauge network for local waters. Working in conjunction with the Compliance and Enforcement Program, the Capacity Development Program will provide support to non-compliant systems not needing infrastructure investment.

VI. PUBLIC COMMENT PROCESS

The public comment process for this IUP is described in attachment 4.

ATTACHMENT 1

DWTRF Project Priority Ranking System

OTHER

System: _____ County: _____ Date_____

Project#:_____Project:_____

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 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 to receive DWTRF assistance.
- Projects that address a problem where a system has significant microbiological violations. The project must ensure compliance 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 or potential water outages for extended periods (1 week or more) due to contamination or system/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 or potential water outages (1 to 6 days) due to contamination or system/design deficiencies.
- Projects that enhance source water protection to prevent widespread contamination throughout the distribution system via alternate water sources or additional storage.

(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 requirements.

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

OTHER

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 $\geq$ 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. If the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately the magisterial district census data may be used in place of the county census data.
Rates are based on 3,400 gallons.

Public Health	
Compliance	
Affordability	
Total Points	

Tie Breaker:
If 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

OTHER

ATTACHMENT 2

Project Priority List/Comprehensive List

WEST VIRGINIA 19DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

RANKING	SYSTEM	COUNTY	PROJECT NAME	PROJECT DESCRIPTION	SRF BONUS	15 PERCENT MHI	MHI CURRENT	MHI PROJECTED	AFFORDABILITY	DISADVAN-TAGED	INTER-VENED	PRE POPU-LATION	POINTS	HEALTH	COMPLIANCE	AFFORD-ABILITY	19 DWTRFA REQUESTED	TOTAL COST	DYAMS RATIONALE
	Clarence Ridge PSD	Barbour	Water System Improvements	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction. Also, fund design loan.
2	City of Beaverdale	Monongalia	Water source upgrade-Phase I	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	0.75%, No Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project will be funded.
3	Town of Mill Creek	Randolph	Water System Improvements	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	Principal Forgiveness	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project will be funded.
4	Central Hampshire PSD	Hampshire	Aeration System Improvements	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1.5%, 1.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Current design has not started and is not ready for construction.
5	Town of Westmoreland	Upshur	Buckhannon Line Upgrades-Rehabilitation	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
6	Craven PSD	Webster	Water System, Sub-Association	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1.5%, 1.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project design has started and is not ready for construction.
7	Walton-Lovely PSD	Gilmer	Raw water line replacement and 200 Gal Reservoir	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Plan are on file. Funded.
8	Lincoln Co. Gassy	Webster	Northern Ridge & Greater Little Fork	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1.5%, 0.5% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
9	Sandring Branch Water PSD	Lincoln	Distribution Rd. North Mountain Rd. Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project can go live in current and is not ready for construction. Also, fund design loan.
10	New Haven PSD	Tyler	Contract 1B - Sunday Rd./Confluence/Flat Creek area	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
11	New Haven PSD	Tyler	Contract 3 - Relocate Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
12	Glenwood Park PSD	Wood	Pompey Water Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	0.5%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
13	Lubeland PSD (WV/ohio)	Jackson	Ohio Branch Water Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
14	Troubadour PSD	Kanawha	Pole Water Treatment Plant and Distribution System Upgrades	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	0.75%, 0.25% Admin., 30 years	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project is ready.
15	Town of Flatwoods	Webster	Meadow Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1.5%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project will be funded.

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WEST VIRGINIA 19DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

RANKING	SYSTEM	COUNTY	PROJECT NAME	PROJECT DESCRIPTION	SRF BONUS	15 PERCENT MHI	MHI CURRENT	MHI PROJECTED	AFFORDABILITY	DISADVAN-TAGED	INTER-VENED	PRE POPU-LATION	POINTS	HEALTH	COMPLIANCE	AFFORD-ABILITY	19 DWTRFA REQUESTED	TOTAL COST	DYAMS RATIONALE
16	Salt Rock PSD (WV/ohio)	Cabell	Wheelers Branch Project	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	0.75%, 0.5% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project will be funded.
17	Kanawha Falls PSD	Fayette	System Improvements	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
18	Town of Gauley	Webster	Palestine Waterline Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Plans are some to be funded.
19	Sandyville Pleasant PSD #2	Jackson	Cheshire or Kanawha Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	0.75%, 0.5% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
20	Ceredo PSD	Wayne	Buffalo Creek Water Treatment Plant and Distribution System Upgrades	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1%, 0.25% Admin., 30 years	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
21	City of Belington	Barbour	Water Treatment Plant and Distribution System Upgrades	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	1.5%, 0.25% Admin., 30 years, Principal Forgiveness	[illegible]	[illegible]	[illegible]		[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
22	Town of Sophia	Raleigh	Water System Improvements	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Yes	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction. Also, fund design loan.
23	Town of Paynesville	Pleasants	Water System Upgrades	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.
24	Town of Parsons	Tucker	Tucker/Hardy Rd. Waterline Extension	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Project design has not started and is not ready for construction.

* Counties on Hardee PSD and Lockbourne PSD were calculated using 2010 Census Data. All other projects were calculated using 2012 Census Data.

* Fund Wyoming County MHI for the revenues project

OTHER

ATTACHMENT 3

Funding List Detailed Description With

- **Green Project Reserve**
- **Additional Subsidization**

2019 Funding List Detailed Description

RANKING	SYSTEM	PROJECT DESCRIPTION	DW/TW TYPING	POPULATION	ESTIMATED DATE OF CONSTRUCTION	GREEN PROJECT DESIGNATION	GREEN PROJECT RESERVE	PRINCIPAL FORGIVENESS	TOTAL DWTRF ASSISTANCE FROM GRANT	TOTAL PROJECT COST
1	City of Ponca City	The project will replace the 250,000 gal West End Tank and the 279,000 gal Steel Hill Tank. 2.5 miles of water mains will be replaced to reduce water loss.	0.15%, 0.5% Admin, 30 years, Principal Forgiveness	960	December-19	N/A	$0	$1,100,000	$1,200,000	$4,320,000
5	Nettie-Lovelady PSD	Raw water line replacement and MoCor Road extension for 13 new meters.	0.15%, 0.5% Admin, 30 years, Principal Forgiveness	1,417	January-20	N/A	$0	$400,000	$1,075,000	$2,170,000
11	Tonkawa PSD	This project proposes to build a new 840 GPM water treatment plant. The treatment plant will include a 500,000 gallon water storage tank, 1,200,000 gallon elevated storage tank, 2 new booster pumps, new pressure reducing valves (PRV's), a lunch and vanity water line, and miscellaneous site hydrants, valving and other appurtenances.	0.15%, 0.5% Admin, 30 years	2,032	August-19	N/A	$0	$0	$689,616	$6,542,000
12	Town of Elizabeth	This project consists water extension approximately 105 new customers in the Mackey Road, Fish Hatchery Road, Enterprise Road and the Cemetery areas. The project includes approximately 10 miles (53,000 feet) of 4-inch distribution line, one (1) - 40 GPM booster pump station, 41 gate valves, 37 fire hydrants, valving and other appurtenances.	0.25%, 0.5% Admin, 30 years, Principal Forgiveness	2,341	December-19	N/A	$0	$500,000	$3,000,000	$3,900,000
13	Salt Rock PSD	The project will extend water service to 106 new customers in the Upper Tom's Creek, Dry Cabin Creek, Lower Hack Creek, Raccoon Creek, Cecil Creek and Flannigan Road areas of Cabell County. The project will consist of approximately twelve (12) miles of 1" through 8" water line, one booster and one (1) - 40 GPM booster pump station, 250 ft 6 bolsters and all necessary valves and appurtenances.	0.15%, 0.5% Admin, 30 yrs, Principal Forgiveness	2,145	September-19	N/A	$0	$722,616	$1,349,000	$3,666,000
Total							$0	$2,722,616	$10,556,616	$20,177,000

2019 Capitalization Grant Amount: $11,094,000

$0	$2,300,000	$10,556,616
No Green Project Reserve Required	20% Minimum Principal Forgiveness Required	Total Amount of Grant Construction Funds Available*

* Includes $7,976 reimbursement of amount in fund services from the 2017 grant

OTHER

ATTACHMENT 4

Public Comment Process/Response

JULY 1, 2019 – JUNE 30, 2020
REVISED INTENDED USE PLAN
PUBLIC COMMENT PROCESS

The public comment for this IUP will be during the period of March 20, 2020 through April 20, 2020. OEHS will post the IUP on the website 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 March 20, 2020 concerning the web posting and public comment period. A public meeting will be held on April 14, 2020 at 3pm in the OEHS central office to receive public comments.

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

FILED
2020 MAR 16 A 11: 34
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

March 16, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **March 13, 2020**.

LETTERS OF INTENT RECEIVED

March 10, 2020 – Braxton County Memorial Hospital, Gassaway, Braxton County, CON File #20-7-11823-P, for the development of an ambulatory health care facility through the relocation of a Rural Health Clinic in Braxton County; capital expenditure: $10,000.

March 10, 2020 – Mon Health Marion Neighborhood Hospital, Morgantown, Monongalia County, CON File #20-6-11824-H, for the development of a 10-bed hospital in Marion County providing a fully functioning emergency room and corresponding services with all the normal diagnostic and support services of an acute care hospital; capital expenditure: $25,000,000.

CERTIFICATE OF NEED APPLICATION RECEIVED

March 12, 2020 - Stonerise Home Health Services 2 LLC, Charleston, Kanawha County, CON File #20-7-11820-A, for the operation of home health services in Lewis, Gilmer and Braxton counties on behalf of a joint venture between Stonewall Jackson Memorial Hospital and Stonerise at Home Holdings; capital expenditure: $290,000.

PROJECTS DETERMINED NOT REVIEWABLE

March 12, 2020 – RSCR West Virginia, Inc., Louisville, Kentucky, CON File #20-3-11807-X, for the relocation of its Woodward Group Home from 1033 Woodward Drive, Charleston, to 2647 Roosevelt Avenue, St. Albans, both in Kanawha County; capital expenditure: less than $10,000.

March 12, 2020 – Tender Loving Care Health Care Services of West Virginia, LLC d/b/a Amedisys Home Health Care, Baton Rouge, Louisiana, CON File #20-10-11814-X, for the complete relocation of its home health branch office located at 1251 Warwood Avenue, Suite B, Wheeling, to 215 Warwood Avenue, Wheeling; no capital expenditure.

EXEMPTION APPLICATION APPROVED

March 12, 2020 - St. George Medical Clinic, Inc., Parsons, Tucker County, CON File #20-7-11808-X, for the addition of physical therapy services.

OTHER

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

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

FILED
2020 MAR 17 P 3:33
OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

March 17, 2020

NEWS ITEM

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

March 3, 2020 - Camden-Clark Memorial Hospital Corporation, Parkersburg, Wood County, CON File #20-5-11812-P, for the development of an ambulatory health care facility through the acquisition of the radiology services currently operated by Parkersburg Radiology Services, Inc., located in Vienna, Wood County; capital expenditure $98,000.

March 5, 2020 - Diversified Assessment & Therapy Services, Kenova, Wayne County, CON File #20-3-11813-BH, for the provision of ICF/IID group home services for children/adolescents in Putnam County; capital expenditure: $245,000.

March 6, 2020 – Daily Business Solutions, Martinsburg, Berkeley County, CON File #20-9-11803-BH, for the provision of independent case management services to the consumers of the Eastern Panhandle; no capital expenditure.

March 12, 2020 - Stonerise Home Health Services 2 LLC, Charleston, Kanawha County, CON File #20-7-11820-A, for the operation of home health services in Lewis, Gilmer and Braxton counties on behalf of a joint venture between Stonewall Jackson Memorial Hospital and Stonerise at Home Holdings; capital expenditure: $290,000.

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 **March 16, 2020**.

OTHER

On or before **April 15, 2020**, 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 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 **April 20, 2020**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision 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 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 Decisions will be issued on or before **May 15, 2020**.

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 Barbara Skeen, 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.

3/17/2020
Date

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