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Administration Law Division

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

Air Quality, Div. of

Alcohol Beverage Control Commission

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- Bureau for Public Health
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Health Care Authority

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CHRONOLOGICAL INDEX, VOLUME XXXVII ISSUE 26			
NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Air Quality (45-08)	Ambient Air Quality Standards Legislative	§22-5-4	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	§22-5-4	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	§22-5-4	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov

Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	§22-5-4	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	§22-5-4	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	§22-5-4	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov

Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	§§22-5-4, 22-5-20	Hearing: July 28, 2020, 6:00 pm Hearing to be held virtually Pre-registration is required at https://apps.dep.wv.gov/daq-register/attend Written Comments: July 28, 2020, 6:00 pm Sandra Adkins WVDEP – Div. of Air Quality 601 57th Street SE Charleston, WV 25304 dep.comments@wv.gov
Alcohol Beverage Control Commission (175-02)	Private Club Licensing Legislative	§60-7-10	Written Comments Only July 20, 2020, 9:00 am Anoop Bhasin, General Counsel WVABCA 900 Pennsylvania Ave., 4th Floor Charleston, WV 25302 Anoop.k.bhasin@wv.gov
Alcohol Beverage Control Commission (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	§§60-1-5, 60-1-5b, 60-1-5d, 60-2-16, 60-4-2, 60-4-3, 60-4-3a, 60-4-15, 60-6-1, 60-6-2	Written Comments Only July 23, 2020, 9:00 am Anoop Bhasin, General Counsel WVABCA 900 Pennsylvania Ave., 4th Floor Charleston, WV 25302 Anoop.k.bhasin@wv.gov
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	§§15A-10-2, 15A-10-5	Written Comments Only July 22, 2020, 4:00 pm Ken Tyree 1207 Quarrier Street Charleston, WV 25301 Kenneth.e.tyree@wv.gov
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	§§15A-10-2, 15A-10-5	Written Comments Only July 22, 2020, 4:00 pm Ken Tyree Fire Marshal 1207 Quarrier Street Charleston, WV 25301 Kenneth.e.tyree@wv.gov

Insurance Commission (114-40)	Credit for Reinsurance Legislative	§§33-2-10, 33-4-15a(e)	Written Comments Only July 24, 2020, 5:00 pm Victor Mullins 900 Pennsylvania Ave. Charleston, WV 25302 victor.a.mullins@wv.gov
Insurance Commission (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	§§33-2-10, 33-12-35, 33-12B-12	Written Comments Only July 24, 2020, 5:00 pm Victor Mullins 900 Pennsylvania Ave. Charleston, WV 25302 victor.a.mullins@wv.gov
Insurance Commission (114-64)	Mental Health Parity Legislative	§§33-2-10, 33-15-4u, 33-16-3ff, 33-24-7u, 33-25-8r, 33-25A-8u	Written Comments Only July 24, 2020, 5:00 pm Victor Mullins 900 Pennsylvania Ave. Charleston, WV 25302 Victor.a.mullins@wv.gov
Insurance Commission (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	§§33-2-10, 33-53-9	Written Comments Only July 24, 2020, 5:00 pm Victor Mullins 900 Pennsylvania Avenue Charleston, WV 25302 victor.a.mullins@wv.gov
Racing Commission (178-01)	Thoroughbred Racing Legislative	§§19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b, 19-23-15	Written Comments Only July 20, 2020, 5:00 pm Joe Moore 900 Pennsylvania Ave., Suite 533 Charleston, WV 25302 joe.k.moore@wv.gov
Racing Commission (178-02)	Greyhound Racing Legislative	§§19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-10, 19-23-13, 19-23-15	Written Comments Only July 20, 2020, 5:00 pm Joe Moore 900 Pennsylvania Ave., Suite 533 Charleston, WV 25302 joe.k.moore@wv.gov

Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	§§29A-2-6(c), 11-13FF-5	Written Comments Only July 22, 2020, 10:00 am Mark S. Morton PO Box 1005 Charleston, WV 25324 taxlegal@wv.gov
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	§§29A-2-6(c), 11-10-5, 11-13GG-5, 9, 16	Written Comments Only July 22, 2020, 10:00 am Mark S. Morton PO Box 1005 Charleston, WV 25324 taxlegal@wv.gov
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	§§11-10-5, 11-13II-5	Written Comments Only July 22, 2020, 10:00 am Mark S. Morton PO Box 1005 Charleston, WV 25324 taxlegal@wv.gov

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

Office of the Secretary of State
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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	2	ARCHITECTS
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
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	22	FORESTRY
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
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
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
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	145	DEVELOPMENT OFFICE
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	155	AUDITOR
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	4/9/2020	7/1/2020
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	4/30/2020	7/1/2020
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	4/30/2020	7/1/2020
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020						
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020						
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020						
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020						
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020						
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020						
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020						
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	4/20/2020	7/1/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/20/2020	7/1/2020
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	3/30/2020	7/1/2020
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	3/30/2020	7/1/2020
Community and Technical College Education (135-01)	Carl D. Perkins Vocational & Technical Education Act Funding Formula for WV Council for Community & Technical College Ed. & WV State Board of Ed. Procedural	6/11/2020	7/13/2020						
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	6/2/2020	7/2/2020
Education (126-028)	WV Universal Access to a Quality Early Education System (Policy 2525) Legislative Exempt	5/13/2020	6/12/2020						
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 (126-044AA)	WV College and Career Readiness Standards for English Language Arts (Policy 2520.1A) Legislative Exempt	5/13/2020	6/12/2020						
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	5/5/2020	8/1/2020
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	5/5/2020	8/1/2020

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code (Repeal) Legislative	6/22/2020	7/22/2020						
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	6/22/2020	7/22/2020						
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative	5/15/2020 5/18/2020	6/15/2020 6/17/2020	4/16/2020 Approved 4/16/2020 Amendment 4/21/2020 Approved 4/21/2020 Amendment 5/15/2020 Approved 5/15/2020					
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	5/8/2020	6/8/2020	4/29/2020 Effective 6/10/2020					
Higher Education Policy Commission (133-03)	Higher Education Accountability System Legislative	6/17/2019	7/17/2019		9/30/2019		BUNDLED 4480	6/2/2020	7/2/2020
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019		BUNDLED 4480	6/2/2020	7/2/2020
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019	BUNDLED 4480	6/2/2020	7/2/2020
Housing Development Fund (88-03)	Purchasing Procedure Procedural	4/22/2020	5/22/2020					6/24/2020	7/24/2020
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020						
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020						
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020						
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020					
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	5/4/2020	8/2/2020
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	5/4/2020	8/2/2020
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	4/23/2020	5/23/2020	3/26/2020 Approved 3/26/2020	6/24/2020				
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	6/1/2020	7/1/2020
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	6/1/2020	7/1/2020
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020				
Occupational Therapy (13-02)	Disciplinary, Complaint and Contested Case Hearing Procedures for Occupational Therapists and Occupational Therapy Assistants Procedural	6/16/2020	8/1/2020						
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	4/8/2020	7/1/2020

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/8/2020	7/1/2020
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	4/8/2020	7/1/2020
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020						
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		
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	5/4/2020	8/2/2020
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or State of Preparedness Legislative	4/15/2020	5/15/2020	3/26/2020 Approved 3/26/2020	6/22/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020	6/5/2020				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020	6/2/2020	4/20/2020 Approved 4/20/2020	6/5/2020				
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	5/13/2020	7/1/2020
Public Employees Insurance Agency (151-01)	Plan Document Legislative Exempt							6/25/2020	7/1/2020

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Public Service Commisison (150-39)	Rules Governing Siting Certificates for Solar Exempt Wholesale Generators Legislative Exempt	5/28/2020	6/29/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020						
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020						
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	4/1/2020	7/1/2020
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	4/1/2020	7/1/2020
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	5/4/2020	8/4/2020
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	5/11/2020	8/11/2020
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	5/4/2020	7/1/2020
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/13/2020	6/12/2020						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/13/2020	6/12/2020						
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative	4/24/2020	5/29/2020	3/25/2020 Amendment 4/24/2020 Amendment 4/27/2020 Effective 6/8/2020	6/23/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative	4/30/2020	6/1/2020	3/27/2020 Amendment 3/31/2020 Approved 4/1/2020	6/25/2020				
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					5/15/2020	7/1/2020
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	5/12/2020	7/1/2020
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	5/12/2020	7/1/2020
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	5/5/2020	7/1/2020
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	5/5/2020	7/1/2020
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020						
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/22/2020	7/22/2020						
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020						
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	6/5/2020	7/6/2020						
Underground Facilities Damage Prevention Bd. (214-01)	Board Meetings, Organization, and Operation Procedural	5/12/2020	6/12/2020						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	4/1/2020	7/1/2020
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	4/1/2020	7/1/2020
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	4/1/2020	7/1/2020
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	6/24/2020	7/1/2020
Water Development Authority (44-04)	Purchasing Procedure Procedural	4/15/2020	5/18/2020					6/11/2020	7/11/2020
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020						
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 3/20/2020	3/26/2020 4/20/2020						

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-08

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

RULE NAME: Ambient Air Quality Standards

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Details in Public Notice

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sandra Adkins

ADDRESS: Department of Environmental Protection 601 57th Street SE

Charleston, WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: Yes

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

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-16

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

RULE NAME: Standards of Performance for New Stationary Sources

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Details in Public Notice

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: SANDRA ADKINS

ADDRESS: WVDEP - DIVISION OF AIR QUALITY

601 57TH STREET SE CHARLESTON WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-18

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

RULE NAME: Control of Air Pollution from Combustion of Solid Waste

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Details in Public Notice.

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: SANDRA ADKINS

ADDRESS: WVDEP - DIVISION OF AIR QUALITY

601 57TH STREET SE CHARLESTON WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-23

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

RULE NAME: Control of Air Pollution from Municipal Solid Waste Landfills

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

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DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: SANDRA ADKINS

ADDRESS: WVDEP - DIVISION OF AIR QUALITY

601 57TH STREET SE CHARLESTON WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-33

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

RULE NAME: Acid Rain Provisions and Permits

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Details in Public Notice

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: SANDRA ADKINS

ADDRESS: WVDEP - DIVISION OF AIR QUALITY

601 57TH STREET SE CHARLESTON WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: Yes

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

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-34

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

RULE NAME: Emission Standards for Hazardous Air Pollutants

CITE STATUTORY AUTHORITY: W. Va. Code § 22-5-4

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Details in Public Notice

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: SANDRA ADKINS

ADDRESS: WVDEP - DIVISION OF AIR QUALITY

601 57TH STREET SE CHARLESTON WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: Yes

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

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-44

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

RULE NAME: Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units

CITE STATUTORY AUTHORITY: W. Va. Code §§ 22-5-4 and 22-5-20

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/28/2020 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Details in Public Notice

DATE WRITTEN COMMENT PERIOD ENDS: 07/28/2020 6:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: SANDRA ADKINS

ADDRESS: WVDEP - DIVISION OF AIR QUALITY

601 57TH STREET SE CHARLESTON WV 25304

EMAIL: dep.comments@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: No

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

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Alcohol Beverage Control Commission TITLE-SERIES: 175-02

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

RULE NAME: Private Club Licensing

CITE STATUTORY AUTHORITY: 60-7-10

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/20/2020 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Anoop Bhasin, WVABCA General Counsel

ADDRESS: 900 Pennsylvania Avenue, 4th Floor

Charleston, WV

EMAIL: anoop.k.bhasin@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Alcohol Beverage Control Commission TITLE-SERIES: 175-10

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

RULE NAME: DISTILLERIES, MINI-DISTILLERIES AND MICRO-DISTILLERIES

CITE STATUTORY AUTHORITY: W.Va. Code §§60-1-5, 60-1-5b, 60-1-5d, 60-2-16, 60-4-2, 60-4-3, 60-4-3a, 60-4-15, 60-6-1 & 60-8-2

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/23/2020 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Anoop Bhasin

ADDRESS: 900 Pennsylvania Ave., 4th Floor

Charleston, WV 25302

EMAIL: anoop.k.bhasin@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Fire Commission TITLE-SERIES: 87-07

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: STANDARDS FOR THE CERTIFICATION AND CONTINUING EDUCATION OF MUNICIPAL, COUNTY, AND OTHER PUBLIC SECTOR BUILDING CODE

CITE STATUTORY AUTHORITY: 15A-10-2 and 15A-10-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Ken Tyree

ADDRESS: 1207 Quarrier Street

Charleston, WV 25301

EMAIL: kenneth.e.tyree@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Fire Marshal TITLE-SERIES: 103-06

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

RULE NAME: STANDARDS FOR THE CERTIFICATION AND CONTINUING EDUCATION OF MUNICIPAL, COUNTY, AND OTHER PUBLIC SECTOR BUILDING CODE

CITE STATUTORY AUTHORITY: 15A-10-2 and 15A-10-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Ken Tyree

ADDRESS: Fire Marshal, 1207 Quarrier Street
Charleston, WV 25301

EMAIL: kenneth.e.tyree@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-40

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

RULE NAME: Credit for Reinsurance

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 33-4-15a(e).

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: 900 Pennsylvania Ave

EMAIL: victor.a.mullins@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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6/18/2020 1:26:52 PM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-42

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

RULE NAME: CONTINUING EDUCATION FOR INDIVIDUAL INSURANCE PRODUCERS AND INDIVIDUAL INSURANCE ADJUSTERS

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10, 33-12-35 and 33-12B-12.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: 900 Pennsylvania Avenue

EMAIL: victor.a.mullins@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-64

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Mental Health Parity

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10, 33-15-4u, 33-16-3ff, 33-24-7u, 33-25-8r, and 33-25A-8u.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: 900 Pennsylvania Ave
Charleston, WV 25302

EMAIL: victor.a.mullins@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: Yes

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

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-100

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

RULE NAME: Health Benefit Plan Network Access and Adequacy

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 33-53-9

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/24/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Victor Mullins

ADDRESS: 900 Pennsylvania Avenue

EMAIL: victor.a.mullins@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: Yes

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

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6/24/2020 2:34:18 PM
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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Medicine TITLE-SERIES: 11-14

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

RULE NAME: 11-14 Registration to Practice During Declared State of Emergency

PRIMARY CONTACT

NAME: Mark A Spangler Executive Director

ADDRESS: West Virginia Board Of Medicine
101 Dee Drive Suite 103
Charleston, WestVirginia 25311

EMAIL: mark.a.spangler@wv.gov

PHONE NUMBER: 304-558-2921

CITE STATUTORY AUTHORITY: W. Va. Code §§ 30-3-7(a)(1) and 30-3E-3(a)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

W. Va. Code §§30-3-7(a)(1) and 30-3E-3(a)

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/23/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 5/23/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
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LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Osteopathic Medicine TITLE-SERIES: 24-09

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

RULE NAME: 24-09 Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness

PRIMARY CONTACT

NAME: Jonathan Osborne

ADDRESS: 405 Capitol Street
Suite 402
Charleston, WV 25301

EMAIL: jonathan.t.osborne@wv.gov

PHONE NUMBER: 304-558-6095

CITE STATUTORY AUTHORITY: W. Va. Code § 30-14-14 and W. Va. Code § 30-3E-3

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/15/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/15/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/25/2020 4:43 PM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Public Employees Insurance Agency TITLE-SERIES: 151-01

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

RULE NAME: Plan Document

CITE STATUTORY AUTHORITY: W. Va. Code 5-16-1 and 5-16-24

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

July 1, 2020

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

Yes

Kenna DeRaimo· **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
6/18/2020 1:38:18 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Racing Commission TITLE-SERIES: 178-01

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

RULE NAME: Thoroughbred Racing

CITE STATUTORY AUTHORITY: W. Va. Code §§19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b and 19-23-15

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/20/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Joe Moore

ADDRESS: 900 Pennsylvania Avenue, Suite 533

Charleston, WV 25302

EMAIL: joe.k.moore@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/18/2020 1:23:39 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Racing Commission TITLE-SERIES: 178-02

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

RULE NAME: Greyhound Racing

CITE STATUTORY AUTHORITY: W. Va. Code §§ 19-23-2(a), 19-23-3(17), 13-6, 19-23-8, 19-23-10, 19-23-13 and 19-23-15

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/20/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Joe Moore

ADDRESS: 900 Pennsylvania Avenue, Suite 533

Charleston, WV 25302

EMAIL: joe.k.moore@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/23/2020 5:06:52 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Secretary Of State TITLE-SERIES: 153-10

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

RULE NAME: 153-10 Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades

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

CITE STATUTORY AUTHORITY: W. Va. Code 3-1-48(l)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

This amended rule sets forth procedures and processes for the Secretary of State to administer and distribute federal funds for elections-related purposes to counties.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/24/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 5/29/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/25/2020 4:53:41 PM
Office of West Virginia
Secretary Of State

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Secretary Of State TITLE-SERIES: 153-45

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

RULE NAME: 153-45 Standards and Guidelines for Electronic Notarization

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

CITE STATUTORY AUTHORITY: 39-4-25

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Emergency amendment creates procedures foregoing in-person notarization requirements during a State of Emergency.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 4/30/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 6/1/2020

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/22/2020 9:48:38 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Tax TITLE-SERIES: 110-13FF

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

RULE NAME: TAX CREDIT FOR PROVIDING VEHICLES TO LOW-INCOME WORKERS

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-2-8(c) and §11-13FF-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2020 10:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MARK S. MORTON

ADDRESS: P.O. BOX 1005

CHARLESTON, WV 25324

EMAIL: taxlegal@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/22/2020 10:21:47 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Tax TITLE-SERIES: 110-13GG

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

RULE NAME: DOWNSTREAM NATURAL GAS MANUFACTURING INVESTMENT TAX CREDIT

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-2-8(c) and W. VA. CODE §11-10-5 and W. VA. CODE §§11-13GG-5, 9, 16

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2020 10:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MARK S. MORTON

ADDRESS: P.O. BOX 1005

CHARLESTON, WV 25324

EMAIL: taxlegal@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/22/2020 10:14:16 AM
Office of West Virginia Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Tax TITLE-SERIES: 110-13II

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

RULE NAME: HIGH-WAGE GROWTH BUSINESS TAX CREDIT

CITE STATUTORY AUTHORITY: W. Va. Code § 11-10-5 and §11-13II-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/22/2020 10:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: MARK S. MORTON

ADDRESS: P.O. BOX 1005

CHARLESTON, WV 25324

EMAIL: taxlegal@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

INCORPORATED BY REFERENCE: No

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
6/24/2020 2:17:26 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: Waste Management Division Of Water And Waste Management TITLE-SERIES: 33-20

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

RULE NAME: HAZARDOUS WASTE MANAGEMENT SYSTEM

CITE STATUTORY AUTHORITY: W. Va. Code § 22-18-6

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

Authorization is cited in (house or senate bill number) HB4217

Section §64-3-1 Passed On 3/3/2020 12:00:00 AM

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

July 1, 2020

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

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

Yes

Jason E Wandling -- 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

6/24/2020 11:18 AM

Office of West Virginia
Secretary Of State

PROCEDURAL

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Housing Development Fund TITLE-SERIES: 88-03

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

RULE NAME: Purchasing Procedural Rule

CITE STATUTORY AUTHORITY: 31-18-6

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

July 24, 2020

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

Yes

Erica L Boggess – By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-AP-PRLC-02012	Insurance Commission	Paul T. Billiard	6/18/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 45-20

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 5, 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 to perform and exercise other functions, powers, and duties that are necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, Executive Order 9-20 required all businesses and operations in West Virginia, except Essential Businesses and Operations as defined therein, to cease all activities within the state except for such minimum basic operations as are necessary to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences, and provided exceptions for businesses such as home-based businesses and certain small businesses while requiring proper social distancing and hygiene practices be maintained at such businesses; and

WHEREAS, since the issuance of Executive Order 9-20 and other executive orders ordering closed or otherwise limiting occupancy of certain establishments and facilities in this state, implementation of successful public health measures has resulted in revised projections of rates of infection and COVID-19 related deaths in West Virginia, as well as ever-strengthening supply chains for personal protective equipment and other medical equipment and supplies, resulting in greater preparedness and response capacity throughout the state; and

WHEREAS, on April 27, 2020, I, Governor Jim Justice, announced the state's reopening plan, West Virginia Strong: *The Comeback* (the "Comeback Plan"), to phase in the reopening of businesses in the state of West Virginia on a week by week basis to most effectively monitor and respond to the public health effects of this phased reopening, to be based upon certain metrics and conditions to safely reopen segments of West Virginia's economy and get our citizens back to work, while ensuring the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population who are at most risk from the COVID-19 virus; and

WHEREAS, Executive Order 28-20 and Executive Order 30-20 allowed for the resumption of all medical procedures throughout the state while requiring that hospitals and ambulatory surgical centers around the state limit procedures to only more urgent procedures to ensure adequate response capacity and preserve necessary personal protective equipment and other resources at such facilities in the event of any surge of COVID-19; and

WHEREAS, under the Comeback Plan, Executive Order 32-20, Executive Order 36-20, Executive Order 37-20, Executive Order 39-20, Executive Order 40-20, Executive Order 41-20, Executive Order 42-20, Executive Order 43-20, and Executive Order 44-20 have been issued to transition the State to a safer-at-home policy and to allow certain types of businesses and activities to begin to resume or expand their operations, provided that certain safety measures are in place; and

WHEREAS, reopening additional segments of the state's economy in accordance with the Comeback Plan, utilizing a phased approach to reopen sectors of the economy week by week,

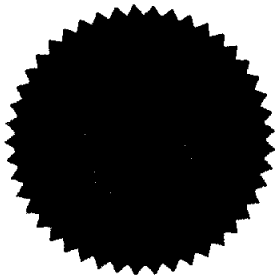
while continuing to prioritize and provide for the health and protection of all West Virginians, and especially the state's significant elder and vulnerable population, is in the public interest; and

WHEREAS, West Virginia's public health experts have advised that allowing for the reopening and/or expansion of certain types of activities in this state, including allowing schools to hold graduation ceremonies and allowing spectators at racing events, is appropriate at this time; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provisions of Chapter 15, Article 5, Section 6 and Chapter 15, Article 5, Section 1 of the Code of West Virginia, hereby **DECLARE** and **ORDER**, effective as of 12:01 AM, Eastern Standard Time, on the Twenty-second day of June, Two Thousand Twenty, unless rescinded, amended, or otherwise postponed by subsequent executive order prior to the effective date of this Order, as follows:

1. The following provisions of Executive Order 9-20, as previously amended by Executive Orders 32-20, 36-20, 37-20, 39-20, 40-20, 41-20, 42-20, and 43-40 are hereby further amended and supplemented as follows:
    a. Section 3, subsection (o) is hereby deleted in its entirety and replaced with the following to allow for graduation ceremonies to be held by educational institutions:
        "o. **Educational institutions.** Educational institutions including public and private pre-K-12 schools, colleges, and universities for purposes of facilitating distance learning, holding or participating in graduation ceremonies or activities, performing critical research, or performing essential functions including providing for the delivery or pick-up of food for school age children; provided that social distancing of six feet between persons is maintained to the greatest extent possible; and provided that educational institutions may resume operations of summer band training programs and of school-sanctioned low-contact sports activities including as of June 8, 2020 practice activities and as of June 22, 2020 games or other competitions. Additional guidance, *Safety Guidance for Low-Contact Sports*, is available at governor.wv.gov."
    b. Section 3 is hereby amended and supplemented by the addition of the following subsection to include racetracks and to allow spectators at races, provided certain safety measures are in place:
        "mm. **Racetracks.** Motorsports and powersports racetracks, and other racetracks and similar venues, whether or not affiliated with or connected to a casino, may resume operations, including with spectators, but must ensure that proper social distancing and hygiene practices are maintained. Additional guidance, *A Guide to Safely Reopening Outdoor Motorsport and Powersport Racing* and *A Guide to Safely Reopening Casinos*, is available at governor.wv.gov."
    c. Section 4, as amended, is hereby deleted in its entirety and replaced with the following to remove racing activities from the list of prohibited activities:
        "4. **Prohibited activities.** Locations with amusement rides, carnivals, fairs, indoor concert and music halls, adult entertainment venues, and other similar businesses shall be closed; provided, however, that the following specific outdoor recreational businesses and activities may resume operations as follows:
            a. The Hatfield McCoy Trail System may reopen in accordance with the guidance, *A Guide to Safely Opening & Operating the Hatfield McCoy Trail System*, available at governor.wv.gov;
            b. Outdoor recreation outfitters may reopen in accordance with the guidance, *A Guide to Safely Reopening Outdoor Recreation Outfitters*, available at governor.wv.gov;
            c. Whitewater rafting businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Whitewater Rafting*, available at governor.wv.gov; and
            d. Ziplining businesses may resume operations in accordance with the guidance, *A Guide to Safely Reopening Zipline Outfitters*, available at governor.wv.gov."

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 June, 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

Public Notice
Proposed DAQ 2021 Legislative Rules

FILED OTHER
2020 JUN 26 A 11:20

The West Virginia Department of Environmental Protection (DEP), Division of Air Quality (DAQ) has scheduled a public hearing for its 2021 proposed legislative rules to be held at 6:00 p.m. on Tuesday, July 28, 2020. The public hearing will be held virtually to prevent the spread of COVID-19 in accordance with the Governor's Safer at Home Order and the WVDEP COVID-19 Policy. Instructions for participating and for providing oral comments in the virtual public hearing are provided below.

The public comment period begins June 26, 2020 and ends at the conclusion of the public hearing on July 28, 2020. Written comments may be submitted at any time during the public comment as instructed below. Both oral and written comments will be made part of the rulemaking record. Comments received after the conclusion of the public comment period will not be accepted.

The DAQ legislative rules proposed for the 2021 include:
45CSR8 (Ambient Air Quality Standards)
45CSR16 (Standards of Performance for New Stationary Sources)
45CSR18 (Control of Air Pollution from Combustion of Solid Waste)
45CSR23 (Control of Air Pollution from Municipal Solid Waste Landfills)
45CSR33 (Acid Rain Provisions and Permits)
45CSR34 (Emission Standards for Hazardous Air Pollutants)
45CSR44 (Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units)

The proposed rules are available from:

- the Secretary of State's website at http://apps.sos.wv.gov/adlaw/csr/,
- the DEP website at http://www.dep.wv.gov/pio/Pages/Rules.aspx, or
- the DAQ website at https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx.
- If you do not have internet capability, please contact DAQ for alternatives at the phone numbers provided below.

Written Comments

- E-mail written comments to dep.comments@wv.gov with "DAQ 2021 Rule Comments" in the subject line, or
- Mail hard copy comments to the attention of Sandra Adkins at the WV Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

Public Hearing Participation
The purpose of the public hearing is to accept comments concerning each of the proposed DAQ 2021 legislative rules identified above. Comments will be responded to in writing at a later date. A separate hearing will be held for each of the proposed rules. The hearings will be held sequentially and will commence immediately following the conclusion of the hearing for the previous proposed rule.

Members of the public can participate online or listen via telephone. **Participant pre-registration is required by 5:00 p.m. on Tuesday, July 28, 2020.** To register, please complete the participant registration form at https://apps.dep.wv.gov/daq-register/attend. A confirmation e-mail will be sent with information on how to join the public hearing. If you do not have internet access and want to register, please contact Sandie Adkins or Stephanie Hammonds at (304) 926-0475 by 5:00 p.m. on Monday, July 27, 2020. Registration is required to fulfill the state's obligation under federal air quality regulations to include a list of participants.

If you wish to speak at the virtual public hearing, you must pre-register by 5:00 p.m. on Monday, July 27, 2020. Please limit testimony to one witness for each organization. Verbal testimony is limited to 5 minutes for each witness. Video demonstrations and screen sharing by witnesses will not be permitted. To register to speak, please complete the speaker register form at https://apps.dep.wv.gov/daq-register/speak. A confirmation e-mail will be sent with information on how to join the public hearing. If you do not have internet access and want to register to speak, please contact Sandie Adkins or Stephanie Hammonds at (304) 926-0475 by 5:00 p.m. on Monday, July 27, 2020.

Witnesses are requested to submit a written copy of their verbal testimony by email to dep.comments@wv.gov.

Event title: Public hearing for 2021 DAQ Legislative Rules
Date and time: Tuesday, July 28 at 6:00 p.m.
Location: Virtual. PRE-REGISTRATION IS REQUIRED as described in this notice.
Your registration confirmation will have the log-in and call-in number details.

Upon authorization and promulgation, 45CSR16, 45CSR33, and 45CSR34 will be submitted to the United States Environmental Protection Agency (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation, 45CSR8 will be submitted to EPA for approval as a revision to the State Implementation Plan pursuant to the federal CAA. Upon authorization and promulgation, 45CSR18, will be submitted to EPA for approval as a revision to the CAA §111(d)/129 State Plan to fulfill federal obligations. Upon authorization and promulgation, 45CSR23 and 45CSR44 will be submitted to EPA for approval as a component of the respective CAA §111(d) State Plans to fulfill federal obligations.

Contact Information
For more information on any of the DAQ rules call 304-926-0475.

PUBLIC NOTICE

FILED

2020 MAY 28 P 3:20

OTHER

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 20-001

REGARDING

CHIROPRACTOR'S SERVICES

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 20-001, regarding the Chiropractor's Services under West Virginia Medicaid. The SPA-2001, Chiropractic Services mean services, including any necessary supplies and equipment provided to a recipient by or under the direction of a qualified chiropractor within the scope of his or her practice under State law. A "chiropractor" is an individual who meets qualifications specified in regulations are 42 CFR 440.60(b) and is licensed pursuant to West Virginia law. No referral or prior authorization is required for up to 20 visits, combined, of physical therapy, occupational therapy, and chiropractic services.

This SPA will be effective April 1, 2020, pending CMS approval. The estimated annual fiscal year impact will be $900,000.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 3, 2020, through Friday, July 3, 2020 and on the web at: www.dhhr.wv.gov/bms, then click "Public Notices" on the top toolbar.

Written comments may be sent between the above referenced dates to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706, or by email at SPAComments@wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m.

PUBLIC NOTICE

FILED

2020 MAY 28 P 3:35

WEST VIRGINIA MEDICAID PROGRAM

STATE PLAN AMENDMENT 20-002

REGARDING

DENTAL SERVICES

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("BMS") provides notice of the filing of a state plan amendment (SPA), identified as SPA 20-002, regarding the Dental Services under West Virginia Medicaid.

SPA 20-002: Dental practitioners who provide covered dental services shall be reimbursed, by procedure, utilizing the American Dental Association Survey of Dental Fees for the Southern Atlantic Region Norms. The 25 percentile of the Southern Atlantic Regional Survey constitutes the Medicaid cap.

Physicians who provide covered oral and maxillofacial services shall be reimbursed by the upper limit utilizing a Resource-Based Relative Value (RBVU) for the procedure times a conversion factor as determined by the type of service. The conversion factors were developed using utilization and payment level data for the defined service group. Payment shall not exceed the provider's usual customary charge to the public. The agency's rates are reviewed annually and published on the website (http://dhhr.wv.gov/bms/FEES/Pages/Dental-Fee-Schedule.aspx) with an effective date for payment implementation. Except as otherwise noted in the plan, State developed fee Schule rates are the same for both governmental and private providers.

Administration of anesthesia services shall be reimbursed by Current Dental Terminology (CDT) codes based on an average American Society of Anesthesiologist based units (for Head Procedures) plus time units multiplied by the anesthesia conversion factor. Payment shall not exceed the provider's usual customary charge to the public

This SPA will be effective April 1, 2020, pending CMS approval. The schedule 10% increase, effective April 1, 2020, would increase annual costs by $7,500,000.

The SPA and this notice will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning Wednesday, June 3, 2020, through Friday, July 3, 2020 and on the web at: www.dhhr.wv.gov/bms, then click "Public Notices" on the top toolbar.

Written comments may be sent between the above referenced dates to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706, or by email at SPAComments@wv.gov. Any written comments received will be available for review at the above address during normal business hours, 8:30 a.m. to 4:30 p.m.

OTHER

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Bill J. Crouch
Cabinet Secretary

Catherine C. Slemp, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

To: Interested Parties

From: Stephanie D. Hickerson, P. E.
Drinking Water Treatment Revolving Fund

Date: June 22, 2020

Subject: City of Ronceverte
Water System Upgrade – Phase I
Environmental Review (FONSI)
DWTRF Project Number: **18DWTRFA004**
Greenbrier County

FILED
2020 JUN 23 P 4:07

Please find enclosed the City of Ronceverte's Water System Upgrade Phase I Project Finding of No Significant Impact **(FONSI).**

The review process indicated significant environmental impacts would not result from the proposed action. Consequently, a preliminary decision not to prepare an Environmental Impact Statement has been made.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Christopher Thomas, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to (304) 558-0691. After evaluating the comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

SDH:cwt

Distribution List:

City of Ronceverte
Bob Hazelwood, EL Engineering (email copy)
Lesley Taylor, Region 4 Planning and Development Council (email copy)
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Division of Natural Resources
West Virginia Bureau for Public Health
Natural Resources Conservation Service

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981

FINDINGS OF NO SIGNIFICANT IMPACT

June 22, 2020

OTHER

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

City of Ronceverte
182 Main Street W
Ronceverte, WV 24970-1277
WVIJDC Project #: **2018W-1740**
SRF Project #: **18DWTRFA004**

Water System Upgrade – Phase I

(Official Project Name and Number)

City of Ronceverte
182 Main Street W
Ronceverte, WV 24970-1277

(Project Applicant)

City of Ronceverte
Greenbrier County, WV

(Project Location, City, County, State)

$ 3,700,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 4,200,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
City of Ronceverte Water System Upgrade Phase I Project
WV IJDC Project No.: **2018W-1740/** SRF Project No.: **18DWTRFA004**

I. PROPOSED PROJECT:

The City of Ronceverte currently purchases water for resale from the City of Lewisburg. The proposed water system upgrade project consists of replacing 16,000 linear feet of 12", 8", 6", 4" and 2" water mains, 2,000 linear feet (0.4 mi) of 3/4" to 1" water service lines, 43 gate valves and 23 fire hydrant and valve assemblies. This project will also replace the 291,000-gallon West End water tank and the 220,000-gallon Brier Hill water tank as wells as constructing a control building at the Squirrel Hill tank site. Also, included as part of this project scope is upgrading radio telemetry to a SCADA system, purchasing 960 radio read meters and an AMR system, and purchasing leak detection equipment.

II. PURPOSE AND NEED:

The project is needed for the City of Ronceverte to continue providing a safe and dependable potable water supply to their existing customers, to provide the necessary water infrastructure to construct water system distribution extensions to other areas in their water service boundary which have inadequate individual water supplies, to provide the water infrastructure to retain existing businesses and expand business opportunities, to reduce the high water loss (currently around 73% water loss) they are experiencing, and to provide the water infrastructure equipment and systems to maximize Ronceverte's water operations by maximizing the utilization of personnel and financial resources.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The older portions of the water distribution system are composed mainly of 93-year-old cast iron lead joint water pipe and galvanized steel pipe and 43-year-old asbestos concrete transite (ACP) water pipe, and old galvanized steel pipe. Main line breaks occur most often on these older water pipes and the older galvanized steel water service pipe.

The City's high-water loss is mainly attributed to the older water mains and to the older water services lines and connections. Water main leaks are common especially in the old cast iron lead joint pipe, transite (ACP) water pipe, and galvanized steel pipes. The other major problem area with leaks is the corrosion of the older water service lines and saddle clamps deteriorating and breaking off the water mains.

The older cast iron lead joint pipe and galvanized steel pipe are plagued with leaks with deterioration of the joints, corrosion, and tuberculation which also reduces the effective diameter and flow thru the pipe.

Most of the water mains constructed in the last 35 years have been constructed of PVC water pipe or ductile iron pipe and are in relatively fair condition.

The total water loss (water not sold) has been consistently high in the 57-73% for the last 6 years.

The existing duplex Brier Hill Booster Station constructed in 2009 is in relatively good condition. A control valve that controls the water flow to the existing West End Main Tank is not creating a back pressure and as a result the tank is being filled at an excessive flow rate needs to be corrected. This can be corrected in the normal course of business. Pumps normally will need to be replaced/repaired approximately every 10 years.

The existing duplex 30-40 GPM Mike Stuart Road water booster station (line pressure system) is in fair/good condition.

The existing 30-40 GPM Teaberry Road water booster station (line pressure system) has one operating pump and in general is in fair to poor condition. The pump, piping and bladder tank are in a pit covered by a small metal building. The accessibility to the pump for operation and maintenance is poor.

The existing 30-40 GPM Squirrel Hill Trailer Park water booster station (line pressure system) has one operating pump and in general is in poor condition. The pump, piping, and bladder tank are in a pit covered by a small metal building. The accessibility to the pump for operation and maintenance is poor.

The 500,000-gallon Squirrel Hill Water Distribution Tank constructed in 2009 is in good condition. This tank is a glass-lined bolted steel tank.

The 250,000-gallon West End Main Tank constructed in 1975 is in fair to poor condition. Since this welded steel tank is 43 years old and has been repainted once before, this tank is near the end of its useful life and needs to be replaced. The access road to the tank site (which also houses the Brier Hill Booster station) needs to be improved.

The 239,000-gallon Brier Hill Tank constructed in 1981is in poor condition and needs to be replaced. The 37-year-old welded steel tank has experienced a number of leaks in the welded seams in the upper portion of the tank that had to be spot welded. It is proposed to relocate the proposed tank site ~ 300 feet from its present site on the same ridge and to improve the access by vehicle road to the tank site.

IV. EVALUATION OF ALTERNATIVES:

The only alternative noted in the Preliminary Engineering Report is to "do nothing". As this is a rehabilitation type project no real alternatives exist for the project.

OTHER

V. DESCRIPTION OF EXISTING ENVIRONMENT:

Through the use of an Environmental Screening Checklist the following environmental factors have been addressed (references have been provided as appropriate) and it has been determined this project has no significant impact on any of these elements:

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the City of Ronceverte Water System Upgrade Phase I Project, dated June 1, 2020 states: "Therefore, we remain in concurrence with our prior recommendation that no archeological historic properties will be affected by the proposed project." and it also states "Therefore, it is our opinion that the proposed project will have no effect on cemetery resources." (see attached letter)

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** – A statement from the project engineer Robert Hazelwood, PE with E.L. Robinson Engineering states "Noise and air pollution can be mitigated, but not eliminated, by requiring the contractor to adequately maintain noise suppressing devices on construction equipment and by restricting work hours at night and on weekends. Requiring the contractor to comply with the Clean Air Act requirements can similarly mitigate air pollution, although some dust from the construction activities cannot be avoided. No transportation-related mitigation is required."

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding the City of Ronceverte Water System Upgrade Phase I, dated April 18, 2018, states "We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species."

   Letters from WV Division of Natural Resources regarding the City of Ronceverte Water System Upgrade Phase I, dated June 17, 2020, states that "We have no known records of any RTE species or sensitive habitats within the project area." (see attached letters)

5. **Protection of Wetlands** – A statement from the project engineer Robert Hazelwood, PE with E.L. Robinson Engineering states "No permanent impact to any wetland area is anticipated, as water lines will primarily be installed within WVDOH rights-of-way and paved City streets and alleys."

6. **Fish and Wildlife Coordination Act** – Reference item #4.

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding Wild and Scenic designation in the State." (See attached letters)

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated May 7, 2018 states that "Based on the review of the submitted documents,

aerial photography, and the soil survey mapping it is determined that this project does not impact prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act."

9. **Flood Plain Management** – As stated by Robert Hazelwood with E.L. Robinson Engineering "The water line distribution system facilities will not be located within the 100-year floodplain." The nearest 100-year flood elevation to any of the above-ground facilities is 1,665 feet, and the elevation of the lowest facility, the Squirrel Hill Tank site, is 2,178.

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved May 3, 2019).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. This project has no impact on environmental justice. (See attached certification)

12. **Lead Paint Abatement** – As stated by Robert Hazelwood with E.L. Robinson Engineering "There will be no sandblasting of the painted steel tanks. Therefore, there will be no air born paint particles to account for during demolition."

VI. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. The project is expected to reduce the system's unaccounted for water by 23% from where it currently stands at 73%. With the additional electrical requirement for the new infrastructure for the Squirrel Hill tank there will still be an overall reduction in greenhouse gas (CO_2) emissions by approximately 10,300 lb/year. An energy efficiency analysis was also completed for all electrical equipment that will be part of this project. The analysis is available for review upon request.

VII. ENVIRONMENTAL CONSEQUENCES:

Primary adverse impacts will be limited to dust, noise, air pollution, and soil erosion during the construction phase of the project. These impacts should be short-term and minimized by work practices and engineering controls.

VIII. MITIGATING MEASURES:

Noise and air pollution can be mitigated, but not eliminated, by requiring the contractor to adequately maintain noise suppressing devices on construction equipment and by restricting work hours at night and on weekends. Requiring the contractor to comply with the Clean Air Act requirements can similarly mitigate air pollution, although some dust from the construction activities cannot be avoided. No transportation-related mitigation is required. Additionally, the

OTHER

contractor/s will be required to follow the plans and specifications for the project and abide by all permits and regulations.

IX. PUBLIC PARTICIPATION:

There was a public meeting held on February 4, 2019. This meeting was a regular City Council Meeting which included a discussion on the proposed water system improvement projects.

X. DOCUMENTATION:

References used to complete this Environmental Assessment are noted in **Section V**.

Statutory Checklist

All DWTRF funded projects must comply with the following environmental statutes and executive orders.

Project Sponsor: City of Ronceverte **Phone:** 304-647-5455

Address: 182 Main Street West Ronceverte, WV 24970-1277

Public Water System: City of Ronceverte **County:** Greenbrier

Project: Water System Improvements Project

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended		X	X			X	NA	WV DEP
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act		X	X			X	NA	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X	NA	Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy		X	X			X	NA	NRCS
Floodplain Management		X	X			X	NA	Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks		X	X			X	NA	Engineer's Statement

Prepared By: Christopher W. Thomas **Title:** Technical Analyst

Signature: Christopher W. Thomas **Date:** 6/19/20 **Telephone:** 304-356-4325

Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

OTHER

WEST VIRGINIA
Department of Arts, Culture and History

The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300
Randall Reid-Smith, Curator
Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

June 1, 2020

Mr. Bob Hazelwood, P.E.
Project Manager
E.L. Robinson Engineering
93 Virginia Street
Beckley, WV 25801

RE: City of Ronceverte – Water System Upgrade (Phase I)
IJDC No. 2018W-1740
FR#: 18-491-GB-1

Dear Mr. Hazelwood:

We have reviewed the additional information submitted for the above referenced project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the submitted information, the proposed project has undergone a design change since the prior review in April 2018. The project will now involve no work in the vicinity of the Riverview Cemetery. The remainder of the project has not changed.

Architectural Resources:
Upon review of the submitted information, we remain in concurrence with our prior determination provided in our letter dated April 9, 2018 that no built resources eligible for or listed in the National Register will be impacted by the project. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

Archaeological Resources:
As we noted in our prior April 9, 2018 correspondence, there are no previously documented archaeological resources within the proposed project area. We understand that a vast majority of the proposed ground disturbing activities will still be confined to previously disturbed areas. Therefore, we remain in concurrence with our prior recommendation that no archaeological historic properties will be affected by the proposed project. No further consultation is necessary with respect to archaeological resources. However, if intact cultural materials are encountered during construction, please cease all activity within the area of discovery and contact this office immediately.

Cemetery Resources:
In our prior April 9, 2018 correspondence, we indicated that the Riverview Cemetery (46GB469) is located within the proposed project area. This resource is considered eligible for inclusion in the National Register of Historic Places.

However, the current submission indicates that no work associated with the project will be conducted in the vicinity of this resource. Therefore, it is our opinion that the proposed project will have no effect on cemetery resources. No further consultation is necessary; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ben M. Riggle, Structural Historian, or Carolyn M. Kender, Archaeologist, at (304) 558-0240.*

Sincerely,

Benjamin M. Riggle signed electronically for Susan M. Pierce 4:10pm 6/1/2020

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/BMR

CC: Mr. Chris Thomas, BPH/Infrastructure & Capacity Development (Christopher.W.Thomas@wv.gov)
Ms. Lesley Taylor, Region 4 PDC (ltaylor@reg4wv.org)

OTHER

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

Contact Name: Bob Hazelwood

Email Address or Fax Number: rhazelwood@elrobinson.com

FWS File #2018-i-0544 **All future correspondence should clearly reference this FWS File #.**

Project: City of Ronceverte - Water System Upgrade, Phase 1

Date of Letter Request: March 5, 2018

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the ESA is required with the Fish and Wildlife Service. Should project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered.

Definitive determinations of the presences of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia, 25701, telephone (304) 399-5710.

Amanda Selmer
Biologist Date: 4/11/2018

John E. Schmidt
Field Supervisor Date: 4/18/2018

Updated January 2018

OTHER

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Elkins Operations Center
738 Ward Rd., PO Box 67
Elkins, WV 26241
Telephone 304-637-0245
Fax 304-637-0250

Stephen S. McDaniel
Director

June 17, 2020

Mr. Robert Hazelwood
E.L. Robinson Engineering
93 Virginia Street
Beckley, WV 25801

Dear Mr. Hazelwood:

We have reviewed Natural Heritage Program files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Water System Upgrade – Phase 1 project for the City of Ronceverte, Greenbrier County, WV (IJDC No. 2018W-1740).

We have no known records of any RTE species or sensitive habitats within the project area. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review. This response is valid for two years.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required. Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, or barbara.d.sargent@wv.gov.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Elkins Operations Center
738 Ward Rd., PO Box 67
Elkins, WV 26241
Telephone 304-637-0245
Fax 304-637-0250

Stephen S. McDaniel
Director

August 28, 2018

Mr. Paul Daniels
Bureau for Public Health
Environmental Engineering Division
350 Capitol Street, Room 313
Charleston, WV 25301-3713

Dear Mr. Daniels:

Thank you for contacting the WV Division of Natural Resources regarding Wild and Scenic Rivers in West Virginia. There are been no change in status of rivers in West Virginia since our 2009 letter. A segment of the Bluestone River in Summers County is the only river holding Wild & Scenic designation in the state. The other rivers with any federal designation are those administered by the National Park Service: The Gauley and Meadow rivers in Nicholas and Fayette counties, and the New River in Fayette County.

Please let me know if you require more information.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

USDA
United States Department of Agriculture
Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505
(304) 284-7540 (Phone)
(855) 857-6448 (Fax)

May 7, 2018

Robert DeCrease
Department of Health and Human Resources
350 Capitol Street, Room 313
Charleston, WV 25301

RE: City of Ronceverte Water System Upgrade; Greenbrier County, WV

Mr. DeCrease,

This is to acknowledge receipt of your request for evaluation of important farmland related to the above referenced project in Greenbrier County, WV. This important farmland information was requested in order for you to assess the environmental impacts of the proposed project in accordance with the National Environmental Policy Act.

The Farmland Protection Policy Act (FPPA – Public Law 97-98, 7 U.S.C. 4201) established the farmland conversion rating system to evaluate the impacts Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are implemented or assisted by a federal agency. Assistance from a federal agency includes loans, financial, and technical assistance.

Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project **does not** impact prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act.

If you have any questions regarding this determination, please contact me at 304-284-7597.

JARED BEARD

Digitally signed by JARED BEARD
Date: 2018.05.07 22:00:44 -04'00'

JARED BEARD
State Soil Scientist

Attachment: NRCS-AD-1006

Cc: Jason Crislip, Acting District Conservationist, NRCS, Lewisburg, WV
Aron Sattler, Resource Soil Scientist, NRCS, Beckley, WV

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An Equal Opportunity Provider and Employer

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U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*		Date Of Land Evaluation Request 4/26/18	
Name of Project City of Ronceverte Water System Upgra		Federal Agency Involved WVDHHR/EPA	
Proposed Land Use Water lines		County and State Greenbrier Co. WV	
PART II *(To be completed by NRCS)*		Date Request Received By NRCS 5/2/2018	Person Completing Form: Jared Beard
Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☐ NO ☑	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS 5/8/2018	

PART III *(To be completed by Federal Agency)*	Alternative Site Rating Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	0			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	4			
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide Important or Local Important Farmland				
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)				

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	Maximum Points	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)				
2. Perimeter In Non-urban Use	(10)				
3. Percent Of Site Being Farmed	(20)				
4. Protection Provided By State and Local Government	(20)				
5. Distance From Urban Built-up Area	(15)				
6. Distance To Urban Support Services	(15)				
7. Size Of Present Farm Unit Compared To Average	(10)				
8. Creation Of Non-farmable Farmland	(10)				
9. Availability Of Farm Support Services	(5)				
10. On-Farm Investments	(20)				
11. Effects Of Conversion On Farm Support Services	(10)				
12. Compatibility With Existing Agricultural Use	(10)				
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	0	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form: Robert DeCrease — Date: 5/2/18

(See Instructions on reverse side)

Form AD-1006 (03-02)

Environmental Justice (EJ) Impact Analysis Certification

1. Applicant's name and proposed project name or description: City of Ronceverte
2. PO Box 417 Ronceverte, WV 24970
   Water System Upgrade Phase I
3. Are there any identified EJ (minority or low income population) areas within or nearby the proposed project area?
   ☐ Yes ☑ No
4. Is the applicant's proposed project likely to result in a change in the current land use patterns (types of land use, development densities)?
   ☐ Yes ☑ No
5. Does a demographic analysis indicate the applicant's proposed project may disproportionately affect any significant EJ populations?
   ☐ Yes ☑ No

   If the answer is no, skip to item 10. If the answer is yes, continue with items 5 through 9.
6. Identify, describe, and provide locations of EJ population _____
7. If a disproportionate adverse effect is expected to impact an EJ population, identify type/level of public outreach implemented. _____
8. Identify disproportionately high and adverse impacts on EJ populations. _____
9. Are adverse impacts appreciably more severe or greater in magnitude than the adverse impacts expected on non-minority/high-income populations?
   ☐ Yes ☐ No
10. Are alternatives and/or mitigation required to avoid impacts to EJ populations?
    ☐ Yes ☑ No

    If yes, describe action. _____
11. I certify that this certification accurately describes the impact to EJ populations and
    ☑ No major EJ impact is likely to result if the proposed project is implemented.
    ☐ A major EJ impact is likely to result if the proposed project is implemented.

David Smith, Mayor — Printed Name & Title of Certifying Official
Signature
6/4/2020 — Date

OTHER

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

FILED
2020 JUN 22 A 11:46
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

June 22, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **June 18, 2020.**

LETTER OF INTENT RECEIVED

June 17, 2020 – Berkeley Medical Center, Martinsburg, Berkeley County, CON File #20-9-11878-P, for the development of an ambulatory health care facility in Berkeley County through the development of imaging services; capital expenditure: $375,000.

APPLICATIONS FOR EXEMPTION RECEIVED

June 15, 2020 – Three Rivers Clinic, LLC, Hinton, Summers County, CON File #20-1-11869-X, for the provision of medication assisted treatment services in Hinton, Summers County.

June 15, 2020 – Princeton Health Care Center, Princeton, Mercer County, CON File #20-1-11870-X, for a renovation project that will create a dayroom for wandering residents and will expand some office space.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-6-11871-X, for the indirect acquisition of real property associated with Rosewood Center, a skilled nursing facility located in Grafton, Taylor County.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-11-11872-X, for the indirect acquisition of real property associated with Brightwood Center, a skilled nursing facility located in Follansbee, Brooke County.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-5-11873-X, for the indirect acquisition of real property associated with Sistersville Center, a skilled nursing facility located in Sistersville, Tyler County.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-2-11874-X, for the indirect acquisition of real property associated with Heritage Center, a skilled nursing facility located in Huntington, Cabell County.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-6-11875-X, for the indirect acquisition of real property associated with Madison Center, a skilled nursing facility located in Morgantown, Monongalia County.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-4-11876-X, for the indirect acquisition of real property associated with Pocahontas Center, a skilled nursing facility located in Marlinton, Pocahontas County.

June 16, 2020 – GEN CCG JV Holdings LLC, Albuquerque, New Mexico, CON File #20-3-11877-X, for the indirect acquisition of real property associated with Teays Valley Center, a skilled nursing facility located in Hurricane, Putnam County.

APPLICATION DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATION

June 12, 2020 - Cavalier Mobile X-Ray Co., Youngstown, Ohio, CON File #20-WV-11832-P, for the expansion of mobile diagnostic imaging services to all counties in West Virginia; capital expenditure: $143,000.

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

June 15, 2020 – Review cycle begins;

July 15, 2020 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

July 20, 2020 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

August 14, 2020 – Decision on the project will be issued by the Authority.

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

The West Virginia Health Care Authority (HCA) has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Neonatal Intensive Care Units**

Written comments may be submitted to Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311 or via email at Barbara.I.Skeen@wv.gov. Comments must be received no later than close of business on **July 13, 2020**. A copy of the proposed Standards set forth above has been filed with the Secretary of State. The Standards may be viewed at the Authority's website, www.hca.wv.gov, or a copy may be obtained by contacting the office at (304) 558-7000.

OTHER

RENEWAL GRANTED

June 16, 2020 - REM West Virginia, Benwood, Marshall County, CON File #18-11-11450-BH, for the development of a four-bed intermediate care facility for individuals with intellectual disabilities in Hancock County serving children; capital expenditure: $200,000.

Renewal granted through July 31, 2020.

NOTICE OF SUBSTANTIAL COMPLIANCE

The following project has been implemented in substantial compliance with the decision issued in this matter and the case file is now closed.

June 16, 2020 - Good Shepherd Nursing Home, L.C., Wheeling, Ohio County, CON File #19-10-11584-P, for the provision of outpatient physical, occupational and speech therapy services to non-residents of the nursing home located in Wheeling, Ohio County; capital expenditure: $41,404.

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