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

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

- 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

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RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-01)	Purchasing Legislative	7/7/2020	8/6/2020		8/10/2020	Modified w/Certain Amendments & Approved 12/9/2020			
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020	Approved 12/9/2020			
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020		8/27/2020	Modified & Approved 12/9/2020 Filed 12/23/2020			
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020	Approved 12/9/2020			
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative				Sunset Extension 7/27/2020	Approved 12/9/2020			
Agriculture (61-39)	Seed Certification Program Legislative	7/27/2020	8/26/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/22/2020			
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rule Legislative	8/21/2020	9/20/2020		9/21/2020	Approved 12/9/2020			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020		8/26/2020	Modified & Approved 9/25/2020 Filed 9/28/2020			
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020		7/24/2020	Modified & Approved 11/17/2020 Filed 11/18/2020			
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020		7/24/2020	Modified & Approved 11/17/2020 Filed 11/18/2020			
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/13/2020	8/13/2020		8/17/2020	Modified & Approved 11/16/2020 Filed 11/19/2020			
Auditor (155-02)	Indexing Of State-Owned Lands Procedural	11/25/2020	12/28/2020						
Coal Mine Health & Safety (36-01)	Shaft and/or Slope Operations in the State of WV Legislative Exempt	12/14/2020	1/28/2021						
Coal Mine Health & Safety (36-04)	The Movement of Mining Equipment Within Coal Mines in the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-05)	Rule Governing Telephone Service or Communication Facilities Legislative Exempt	12/14/2020	1/28/2021						
Coal Mine Health & Safety (36-10)	Roof Control Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-12)	Electrical Provisions for Underground Mining Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-13)	Regulatory Review Procedures Legislative Exempt	10/1/2020	11/16/2020						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health & Safety (36-14)	Rule Governing Electrical Equipment in Mines; Required Examinations Legislative Exempt	12/14/2020	1/28/2021						
Coal Mine Health & Safety (36-18)	The Responsibility for Care and Maintenance of Equipment Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-19)	Written Reports of Accidents Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-20)	Independent Contractors Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-22)	The Prohibition of Acts Endangering Security of Mines; Search for Intoxicants, Matches, Etc. Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-24)	The Record Keeping of all Certified Persons Employed in all Mines Throughout the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-25)	Underground Equipment Requirements and Operation Legislative Exempt	12/14/2020	1/28/2021						
Coal Mine Health & Safety (36-26)	Rule Governing Construction and Rehabilitation Operations in Underground Mines Legislative Exempt	12/14/2020	1/28/2021						
Coal Mine Health & Safety (36-27)	Surface Areas on Mine Property and Limitations on Mining Adjacent to Gas Facilities Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-41)	Additional Requirements for Sheathed Explosive Units Legislative Exempt	10/13/2020	11/16/2020						
Coal Mine Health & Safety (36-57)	Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/1/2020	11/16/2020						
Development Office (145-07)	Neighborhood Investment Program Act Procedural	7/22/2020	8/28/2020						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office (145-16)	Tourism Development Districts Legislative	7/20/2020	8/21/2020	7/1/2020 Approved 7/2/2020	8/25/2020	Modified & Approved 11/17/2020			
Education (126-081)	Attendance (Policy 4110) Legislative Exempt	10/15/2020	11/16/2020					12/16/2020	1/15/2021
Education (126-114)	Approval of Educator Preparation Programs (Policy 5100) Legislative Exempt	10/15/2020	11/16/2020					12/16/2020	1/15/2021
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202) Legislative Exempt	10/15/2020	11/16/2020					12/16/2020	1/15/2021
Education (126-142)	Performance Evaluation of Professional Personnel and Athletic Coaches (Policy 5310) Legislative Exempt	10/15/2020	11/16/2020					12/16/2020	1/15/2021
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/11/2020			
Financial Institutions, Div. of (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative	6/26/2020	7/31/2020	6/26/2020 Approved 7/1/2020 Amendment 11/30/2020 Approved 12/16/2020	8/13/2020	Modified & Approved 11/17/2020 Filed 11/30/2020			
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		8/24/2020	Approved 11/16/2020			
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		8/13/2020	Approved 11/16/2020			
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	7/22/2020	8/24/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 11/18/2020			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	7/22/2020	8/24/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/18/2020			
Funeral Service Examiners (6-07)	Fee Schedule Legislative	7/21/2020	8/24/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/18/2020			
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020	Approved 12/9/2020			
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 12/10/2020			
Health (64-48)	Emergency Medical Services Legislative	9/4/2020	10/5/2020	9/4/2020 Approved 9/30/2020 Amendment 10/1/2020 Approved 10/1/2020	11/20/2020	Modified & Approved 12/9/2020 Filed 12/15/2020			
Health (64-59)	Patient Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/9/2020			
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020		8/21/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			

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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	8/28/2020	Modified & Approved 12/9/2020 Filed 12/15/2020			
Health (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020		8/26/2020	Modified & Approved 11/17/2020 Filed 11/20/2020			
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020		8/21/2020	Modified & Approved 11/17/2020 Filed 11/20/2020			
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	7/1/2020	Modified & Approved 12/9/2020 Filed 12/9/2020			
Health and Human Resources (69-16)	Purchasing Procedures Procedural	10/27/2020	11/30/2020					12/1/2020	12/31/2020
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020	Approved 12/9/2020			
Hearing Aid Dealers (8-01)	Rule Governing the WV Bd. Of Hearing Aid Dealers Legislative	7/21/2020	8/22/2020		8/28/2020	Modified & Approved 11/16/2020 Filed 12/1/2020			
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020	7/29/2020				
Higher Education Policy Comm. (133-64)	Administrative Exemption Legislative	11/20/2020	12/21/2020						

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-01)	Rules Relating Generally to Various Functions of the Commissioner of Highways Procedural	11/17/2020	12/18/2020						
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020	Approved 11/17/2020			
Highways (157-14)	Contract Administration Purchasing Process Procedural	12/14/2020	1/14/2021						
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	7/1/2020	7/31/2020		8/25/2020	Modified & Approved 12/9/2020 Filed 12/15/2020			
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020	Modified & Approved 12/9/2020 Filed 12/15/2020			
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Approved 9/25/2020			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020		8/24/2020	Modified w/Certain Amendments & Approved 12/9/2020			
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	7/23/2020	8/24/2020		8/27/2020	Modified & Approved 11/16/2020 Filed 12/1/2020			
Landscape Architects (9-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/23/2020	8/24/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/23/2020			
Livestock Care Standards Bd. (73-01)	Livestock Care Standards Legislative	7/21/2020	8/20/2020		8/21/2020	Approved 12/9/2020			
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020	8/10/2020	Modified & Approved 12/9/2020 Filed 12/21/2020			
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	Approved 11/16/2020			
Miners' Health Safety and Training (56-08)	The Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV Legislative	7/14/2020	8/13/2020		8/19/2020	Approved 11/17/2020			
Motor Vehicles (91-04)	Examination and Issuance of Driver's License Legislative	7/8/2020	8/9/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	7/15/2020	8/17/2020		8/19/2020	Approved 9/25/2020			
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020		8/7/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020		8/7/2020	Modified & Approved 11/17/2020 Filed 11/17/2020			
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020	Approved 9/25/2020			
Natural Resources (58-46)	Defining the Terms Used in All Hunting and Trapping Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-50)	Deer Hunting Rule Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-60)	Fishing Regulations Legislative Exempt							12/29/2020	1/1/2021
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020	Approved 11/16/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	7/28/2020	8/28/2020	7/28/2020 Effective 9/8/2020	8/28/2020	Modified & Approved 11/16/2020 Filed 11/23/2020			
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	Modified & Approved 11/16/2020 Filed 11/23/2020			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020 Amendment 8/26/2020 Effective 10/7/2020	6/5/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020		8/26/2020	Approved 11/16/2020			
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 (15-02)	Uniform Controlled Substances Act Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020 7/22/2020	6/2/2020 8/21/2020	4/20/2020 Approved 4/20/2020	6/5/2020 9/4/2020	Modified & Approved 11/16/2020 Filed 12/2/2020			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	9/17/2020	10/19/2020		10/19/2020	Modified & Approved 12/9/2020 Filed 12/18/2020			
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020		8/28/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	9/17/2020	10/19/2020		10/19/2020	Modified & Approved 12/9/2020 Filed 12/21/2020			
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 12/9/2020 Filed 12/16/2020			
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020		8/24/2020	Modified & Approved 11/16/2020 Filed 11/19/2020			
Protective Services (99-06)	Purchasing Policy Procedural	9/2/2020	10/2/2020					12/11/2020	1/11/2021
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commission (150-05)	Rules for the Government of Sewer Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						
Public Service Commission (150-07)	Rules for the Government of Water Utilities Legislative Exempt	11/10/2020	1/11/2021 Extended to 1/18/2021						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commission (150-16)	Rules Governing the Transportation of Natural Gas Legislative Exempt	10/7/2020	11/16/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020	Modified & Approved 12/9/2020			
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020	Approved 12/9/2020			
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	7/1/2020	7/31/2020	7/1/2020 Approved 7/1/2020	8/17/2020	Modified & Approved 12/9/2020			
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/21/2020	8/20/2020		8/24/2020	Modified & Approved 12/9/2020 Filed 12/11/2020			
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020		8/26/2020	Approved 12/9/2020			
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/20/2020	8/21/2020		8/26/2020	Modified & Approved 11/16/2020 Filed 11/17/2020			
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020		8/18/2020	Approved 11/17/2020			
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	7/9/2020	8/8/2020		8/18/2020	Modified & Approved 11/17/2020 Filed 11/30/2020			
Risk and Insurance Management (115-05)	Procedure for Providing Written Notification of Claims of Potential Liability to the State or Its Employees (Repeal) Legislative	7/9/2020	8/8/2020		8/18/2020	Approved 11/17/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
School Building Authority (164-01)	Policy and Procedures Handbook of the School Building Authority of West Virginia Procedural	12/16/2020	1/19/2021						
Secretary of State (153-07)	Submission of Other Documents to Solicit Contributions for Charitable Organizations Interpretive	12/7/2020	1/8/2021						
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	Modified & Approved 11/17/2020 Filed 12/4/2020			
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	Modified & Approved 11/17/2020 Filed 12/4/2020			
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-06)	Shared Table Initiative for Senior Citizens Legislative	7/24/2020	8/24/2020		8/25/2020	Modified & Approved 11/17/2020 Filed 11/30/2020			
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020			
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020		8/28/2020	Approved 11/16/2020			
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020		8/17/2020	Modified & Approved 9/25/2020 Filed 10/5/2020			
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020	Approved 12/9/2020			

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020	Modified & Approved 9/25/2020 Filed 10/5/2020			
Tourism (144-03)	Purchasing Procedures Procedural	8/31/2020	9/30/2020					12/14/2020	1/13/2021
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/8/2020	8/11/2020		8/25/2020	Approved 9/25/2020			
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020		8/17/2020	Modified & Approved 12/9/2020 Filed 12/22/2020			

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
12/23/2020 12:46:09 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture

RULE TYPE: Legislative TITLE-SERIES: 61-09

RULE NAME: West Virginia Seed Law

CITE AUTHORITY: §19-6-6

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Norman Bailey -- 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.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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12/23/2020 4:34:46 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Landscape Architects

RULE TYPE: Legislative TITLE-SERIES: 9-04

RULE NAME: Application for Waiver of Initial Licensing Fees for Certain Individuals

CITE AUTHORITY: §30-1-23 and §30-22-7

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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12/29/2020 12:49 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Natural Resources TITLE-SERIES: 58-60

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

RULE NAME: FISHING REGULATIONS

CITE STATUTORY AUTHORITY: §20-1-7(31) and §20-1-17(7)

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

January 1, 2021

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

Yes

Wesley H White -- 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

NONE RECEIVED THIS WEEK

12/29/2020 3:43:30 PM

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

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

To: Interested Parties

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

Date: December 22, 2020

Subject: City of Wellsburg
Water System Improvement Project
Environmental Review (FONSI)
DWTRF Project Number: **TBD**
Brooke County

FILED
2020 DEC 22 A 10: 18
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Please find enclosed the City of Wellsburg's Water System Improvement 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 Wellsburg
Ryan Schuster, The Thrasher Group (email copy)
Barb Zimnox, Region 11 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 of Public Health
Natural Resources Conservation Service

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

OTHER

FINDINGS OF NO SIGNIFICANT IMPACT

FILED
2020 DEC 22 A 10: 19
OFFICE WEST VIRGINIA
SECRETARY OF STATE

December 22, 2020

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 Wellsburg
70 Town Square
Wellsburg, WV 26070-1668
WVIJDC Project #: **2019W-1837**
SRF Project #: **TBD**

Water System Improvement Project
(Official Project Name and Number)

City of Wellsburg
70 Town Square
Wellsburg, WV 26070-1668

(Project Applicant)

City of Wellsburg
Brooke County, WV

(Project Location, City, County, State)

$ 5,472,458
(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 5,972,458
(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
City of Wellsburg Water System Improvement Project
WV IJDC Project No.: **2019W-1837**/ SRF Project No.: **TBD**

I. PROPOSED PROJECT:

The project will consist of the installation of approximately 1.9 miles (9,900 LF) of 6"water line, and upgrades to the water plant will include electrical upgrades designed to meet current electrical code, sludge process automation, and the entire plant was reviewed in an effort in increase worker safety. The proposed improvements include Supervisory Control and Data Acquisition (SCADA), automation in their filtration process, and improved backwash solids processing. A new belt filter press, conveyor, and a lime and polymer feed system will be housed in a split-face block building. Electrical and HVAC upgrades will also be included along with improvements in the lighting at the site. An emergency generator will be installed to serve the entire plant. The entire plant will be fenced to control access and increase security.

II. PURPOSE AND NEED:

The Preliminary Engineering Report indicates that most of the City of Wellsburg's water lines are blocked by years of sedimentation/mineral deposits causing pressure and flow problems in addition to multiple water line breaks. At the water treatment plant, the electrical system is not up to code, there is no SCADA system, no automation in the filtration process and the solids are not adequately handled.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The distribution system for Wellsburg water system were originally built in 1916, it exists today largely the same as it was when it was constructed. The treatment plant was originally built in 1962, and some renovations were performed in 2010. The renovations did not achieve the results the City had hoped.

IV. EVALUATION OF ALTERNATIVES:

The only alternatives evaluated were the option to repair and replace the existing infrastructure or to "do nothing" as all this project aims to correct issues with the current infrastructure. The City has decided that it is too costly not to address their issues now, so the repair and replace option will be pursued.

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:

OTHER

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the City of Wellsburg Water Line Replacement and Water Treatment Plant Improvement Project, dated September 9, 2020 states: "However, because the majority of the project consists of replacing underground water line, we concur that the proposed project will affect no architectural properties or districts eligible for or included in the National Register. While the water treatment facility is located within the boundary of the Wellsburg Historic District, we concur that the proposed improvements to the water treatment facility will have no adverse effect on the historic district. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change." The letter also states: "In our opinion, no archaeological historic properties will be affected by the proposed project. No further consultation is necessary regarding archaeological resources."

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

3. **Clean Air Act, Pub. L. 84-159** – A letter from Ryan Schuster with the Thrasher Group dated December 11, 2020 states "Any emission regulation devices on the construction equipment that are intended to reduce emissions will be maintained. Creating speed limits for construction vehicles, frequently wetting areas used by construction vehicles, prohibiting the burning of waste, and transporting earth materials (as necessary) in dump trucks covered with tarpaulin sheets will limit the amount of PM created. However, as these emissions will be temporary during construction and will not continue after construction is finalized, it is not anticipated to have a significant impact on local air quality."

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding the City of Wellsburg Water Line Replacement and Water Treatment Plant Improvement Project, dated August 12, 2020, states "Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB)." Also stated, "The Service does not anticipate that this project is likely to adversely affect the Indiana bat ...." and " This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4 (d) rule and no conservation measures are required."
   A letter from WV Division of Natural Resources – dated August 14, 2020 – states that "We have no known records of any RTE species or sensitive habitats within the project area."

5. **Protection of Wetlands** – As stated in the Flood Plain Assessment Report for the City of Wellsburg prepared by The Thrasher Group dated July 2020 "There are no wetlands within the limits of work."

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."

8. **Farmland Protection Policy** – An email from the Natural Resources Conservation Service sent by Jared Beard dated October 1, 2020 states that "I have looked over the request and this project appears to be exempt from the Farmland Protection Policy Act."

9. **Flood Plain Management** – As stated in the Flood Plain Assessment Report for the City of Wellsburg as prepared by Ryan Schuster with the Thrasher Group covered (3) alternatives for the construction of a new building. The current plant and the proposed location of the new building are at an elevation of 655 feet above sea level and the 100-year flood plain lies at an elevation of 676 feet above sea level. The other (2) alternatives reviewed to not disturb the flood plain were to 1) construct a one story building on an elevated surface at the plant site, or 2) construct the new building approximately 0.5 miles away from the current water treatment plant site. The alternative that was chosen was to construct a 2-story building at the current plant site and place all electronics and equipment on the second floor at an elevation above the 100-year flood plain. As stated in the Report "This alternative will minimize impacts to the structure and all equipment. There is no adverse impact to the equipment, electrical wiring, and plumbing as all will be located above the 100-year flood plain. The impact to the flooding will be to the doors. The garage doors can be opened to prevent hydrostatic pressures from impacting the doors. The interior of the garage level of the new building will need to be cleaned of debris, mud, and other material that accumulated inside the garage level during the flood event."

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved November 21, 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.

12. **Lead Paint Abatement** – As stated by Ryan Schuster with The Thrasher Group in an email dated July 9, 2020 "The plan for this project is to require the contractor to perform lead paint testing at locations that will be disturbed for the work. If no lead paint is identified, the work can proceed as is. If lead paint is identified, the contractor will have to perform lead paint mitigation."

OTHER

VI. CLIMATE CHANGE/ENERGY EFFICIENCY:

This project will have a net increase in energy need due to the addition of a new belt filter and associated equipment. Other changes and upgrades to the existing plant will help alleviate the increase such as installing LED lighting and higher efficiency pumps. The addition of an emergency natural gas generator will increase the amount of greenhouse gases emitted, but the amount will be dependent on how often they need backup power. The project will also address replacing some aging water mains which should lower the water lost in the distribution system some. The current water loss is 14.8% according to the 2019 PSC Annual Report, and only a slight improvement is anticipated from the project upgrades.

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:

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

IX. PUBLIC PARTICIPATION:

The City of Wellsburg held a public meeting on December 16, 2020 to discuss details of the project with the project's engineer in attendance to answer any questions. The project has been on the agenda regularly during many other official City meetings where the public could inquire about the project as well.

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 Wellsburg **Phone:** 304-846-9589

Address: 70 Town Square Wellsburg, WV 26070-1668

Public Water System: City of Wellsburg **County:** Brooke

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		Follow best practices to minimize impact during construction	Letter from Thrasher
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		Construct new building to raise all sensitive equipment to an appropriate elevation	Flood Plain Assessment Report for the City of Wellsburg
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		If lead is found, follow the requirements outlined in the plans and specifications	Project Plans and Specifications

OTHER

Prepared By: Christopher W. Thomas **Title:** EIT

Signature: Christopher W. Thomas **Date:** 12/18/2020 **Telephone:** 304-356-4325

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

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

September 9, 2020

Mr. Jeremiah Goudy
Environmental Specialist I
The Thrasher Group, Inc.
300 Association Drive
Charleston, WV 25311
Via email: jgoudy@thethrashergroup.com

RE: The City of Wellsburg Water Department – Water Line Replacement and Water Treatment Plant Improvement Project; Thrasher Project #010-117
FR#: 20-1203-BR

Dear Mr. Goudy:

We have reviewed the above referenced project to determine potential effects on cultural resources. 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 City of Wellsburg Water Department proposes to undertake a water line replacement and water treatment plant upgrade project. The project will consist of the removal and replacement of approximately 10,559 linear feet of existing 4-inch cast iron water line with 8-inch polyvinyl chloride water line within the water distribution system. Water treatment plant improvements include: the removal and replacement of the existing master meter, miscellaneous electrical and mechanical improvements, removal and replacement of the existing chlorine feed system and backwash pump, the automation of the existing gravity filters, construction of a sludge press facility with a new brick building, and other miscellaneous improvements.

Architectural Resources:
We have reviewed the submitted information, and there are numerous architectural resources within the vicinity of the proposed project. The proposed project will be located within the Wellsburg Historic District (NR#: 82004312), which was listed in the National Register of Historic Places in 1982. In addition, the Wellsburg Wharf (NR#: 79002572), listed in 1979, and Miller's Tavern (NR#: 78002790). However, because the majority of the project consists of replacing underground water line, we concur that the proposed project will affect no architectural properties or districts eligible for or included in the National Register. While the water treatment facility is located within the boundary of the Wellsburg Historic District, we concur that the proposed improvements to the water treatment facility will have no adverse effect on the historic district. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

OTHER

Archaeological Resources:
According to our records, there is one previously documented archaeological site, 46BR105, located within the general project area. However, the submitted information indicates that the proposed water line replacement work will occur within existing city streets and existing previously disturbed utility rights-of-way, which are outside the known boundaries of site 46BR105 at this time. The proposed work at existing water plant site is scheduled to occur within previously disturbed areas. Due to the prior disturbances, it is unlikely that significant intact deposits will be encountered during the proposed ground disturbing activities. In our opinion, no archaeological historic properties will be affected by the proposed project. No further consultation is necessary regarding archaeological resources. However, if intact cultural materials are encountered during the project's ground disturbing activities, cease all activity within the area of discovery and contact this office immediately.

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

Sincerely,

Lora A. Lamarre-DeMott
Digitally signed by Lora A. Lamarre-DeMott
Date: 2020.09.10 11:46:17 -04'00'

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/BMR/CMK

CC: Ms. Courtney Neff, The Osage Nation (cneff@osagenation-nsn.gov)

THRASHER

COMPLEX PROJECTS
REQUIRE RESOLVE
THRASHER'S GOT IT

December 11, 2020

Christopher W. Thomas
350 Capitol Street
Room 313
Charleston, WV 25301

RE: Wellsburg Water System Improvements Project, Contract 1 and 2

Mr. Thomas,

Construction activities associated with the Project could result in temporary impacts to air quality. These activities would involve typical earth moving construction equipment which are sources of short-term oxides of nitrogen (NOx), volatile organic compounds (VOCs), and particulate matter (PM). Ground level ozone concentrations and PM would be the most likely pollutant to affect the area. Ground level ozone is created by chemical reactions between NOx and VOCs in the presence of sunlight. The main source of NOx would be exhaust from the construction equipment with the majority being of the diesel variety. VOC emissions could come from re-fueling areas, as well as equipment exhaust. PM could be a factor during any earth disturbance activities. The amount of ground level ozone created is dependent upon the number of reactants available. Sunlight and heat are also contributing factors, as well as air patterns.

Any emission regulation devices on the construction equipment that are intended to reduce emissions will be maintained. Creating speed limits for construction vehicles, frequently wetting areas used by construction vehicles, prohibiting the burning of waste, and transporting earth materials (as necessary) in dump trucks covered with tarpaulin sheets will limit the amount of PM created. However, as these emissions will be temporary during construction and will not continue after construction is finalized, it is not anticipated to have a significant impact on local air quality.

If you have any questions or comments, please contact me at your earliest convenience.

Thank you,

Ryan Schuster

Cc: file

400 3rd St SE, Suite 309 | Canton, OH 44702 | 330-451-2042 | www.thethrashergroup.com

OTHER

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
6263 Appalachian Highway
Davis, West Virginia 26260

Contact Name: Jeremiah Goudy

Email Address or Fax Number: jgoudy@thethrashergroup.com

FWS File # 2020-I-1054 **All future correspondence should clearly reference this FWS File #.**

Project: City of Wellsburg Water Department Waterline Replacement and Water Treatment Plant Improvement, Brooke County, West Virginia

Date of Letter Request: August 12, 2020

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.*).

Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB).

The Indiana bat and NLEB may use the project area for foraging and roosting between April 1 and November 15. Indiana bat summer foraging habitats are generally defined as riparian, bottomland, upland forest, and old fields or pastures with scattered trees. Roosting/maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. In West Virginia, the U.S. Fish and Wildlife Service (Service) considers all forested habitat containing trees greater than or equal to 5 inches in diameter at breast height to be potentially suitable as summer roosting and foraging habitat for the Indiana bat.

Indiana bats feed on emerged aquatic and terrestrial flying insects. Moths, caddisflies, flies, mosquitoes, and midges are major prey items. Aquatic insects that have concentrated emergences or that form large mating aggregations above or near water appear to be preferred prey items. As a result, streams, wetlands, and associated riparian forests are often preferred foraging habitats for pregnant and lactating Indiana bats. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. Increased erosion and sedimentation of streams reduces diversity and biomass of benthic invertebrates, i.e. insects. Some projects propose impacts to aquatic features such as streams or wetlands, which could result in a decrease in insects available to both bat species for foraging.

Updated April 2018

Similar to the Indiana bat, NLEB foraging habitat includes forested hillsides and ridges, and small ponds or streams. NLEB are typically associated with large tracts of mature, upland forests with more canopy cover than is preferred by Indiana bats. NLEB seem to be flexible in selecting roosts. They choose roost trees based on suitability to retain bark or provide cavities or crevices, and this species is known to use a wider variety of roost types than the Indiana bat. Males and non-reproductive females may also roost in cooler places like caves and mines. Although rare, this bat has also been found roosting in structures like barns and sheds.

Indiana bats and NLEB use caves or mine portals for winter hibernation between November 15 and March 31. These species also use the hibernacula and the areas around them for fall-swarming and spring-staging activity (August 15 to November 14 and April 1 to May 14, respectively). Some males have been known to stay close to the hibernacula during the summer and may use the hibernacula as summer roosts. There may be other landscape features being used as hibernacula by NLEB during the winter that have yet to be documented.

The Service has reviewed the number of acres of potentially suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects, more than 10 miles from a known priority 1 or 2 Indiana bat hibernaculum, more than 5 miles from a known priority 3 or 4 Indiana bat hibernaculum, or more than 2.5 miles from any known maternity roost, or more than 5 miles from summer detection sites where no roosts were identified, that affect less than 17 acres of forested habitat, and will not affect any potential hibernacula, will have a very small chance of resulting in direct or indirect effects to the Indiana bat, and therefore these effects are considered discountable. **Please note that the Service may review and update this assessment at any time as new information becomes available.**

The Service does not anticipate that this project is likely to adversely affect the Indiana bat because your project: 1) will affect less than 17 acres of potential Indiana bat foraging or roosting habitat; 2) is not within any of the Indiana bat hibernacula or summer use buffers described above; 3) will not affect any potential caves or mines that could be used as hibernacula for this species; and 4) effects to aquatic features used for foraging habitat will be insignificant.

The NLEB may occur within the range of the proposed project, and may be affected by the proposed construction and operation of this project. Any take of NLEB occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula and that no conservation measures are required as part of the 4(d) rule unless the proposed project: 1) involves tree removal within 0.25 miles of known NLEB hibernacula; or 2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around known, occupied maternity tree during the pup season (June 1 to July 31). This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4(d) rule and no conservation measures are required.

OTHER

This letter provides technical assistance only and does not serve as a completed section 7 consultation document. If there is a Federal nexus for the project (e.g., Federal funding provided, Federal permits required to construct), no tree clearing or any project construction activities on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the Federal action agency, is completed. Section 7 consultation is not complete until the Federal action agency submits a determination of effects to this office, the Service concurs with the Federal action agency's determination, and the Federal action agency agrees to limit tree clearing to under 17 acres as a mandatory condition for any permit decision rendered for this project. All measures must be implemented as proposed. If there is no Federal nexus associated with this project, then no further coordination with this office is required.

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 assessment may be reconsidered.

If you have any questions regarding these comments, please contact the biologist listed below at (304) 679-1613 or at the letterhead address.

Date: 11/10/2020
Biologist

Jennifer L Norris
Date: 11/10/2020
Field Supervisor

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 14, 2020

OTHER

RECEIVED

THE THRASHER GROUP, INC.

Mr. Jeremiah Goudy
The Thrasher Group, Inc.
300 Association Drive
Charleston, WV 25311

Dear Mr. Goudy:

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 Waterline Replacement and Water Treatment Plant Improvement project for the Town of Wellsburg, Brooke County, WV (Project #010-1117).

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. Enclosed please find an invoice.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

enclosure

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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

Thomas, Christopher W

From: Beard, Jared - NRCS, Morgantown, WV <jared.beard@usda.gov>
Sent: Thursday, October 1, 2020 6:55 AM
To: Thomas, Christopher W
Cc: Hickerson, Stephanie D
Subject: [External] RE: Wellsburg Project NRCS Request Letter

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Mr Thomas,

I have looked over the request and this project appears to be exempt from the Farmland Protection Policy Act. If you have any questions let me know.

I am in the field the next 2 weeks and did not want to delay your process. If you required an official report let me know and I will get that worked up when I return. Otherwise proceed.

Have a good day

Jared Beard
State Soil Scientist
1550 Earl Core Rd. Room 200
Morgantown, WV 26505
304-284-7597 office
304-578-9171 cell

USDA is an equal opportunity provider, employer, and lender.

From: Thomas, Christopher W <Christopher.W.Thomas@wv.gov>
Sent: Tuesday, September 29, 2020 5:21 PM
To: Beard, Jared - NRCS, Morgantown, WV <jared.beard@usda.gov>
Cc: Hickerson, Stephanie D <Stephanie.D.Hickerson@wv.gov>; Barb Zimnox <bzimnox@bhjmpc.org>; Ryan S. Schuster <rschuster@thethrashergroup.com>
Subject: Wellsburg Project NRCS Request Letter

Mr. Beard,

Please see the attached request letter for the Wellsburg water project. Thank you.

Christopher W. Thomas, EIT

Technical Analyst, Bureau for Public Health/Infrastructure & Capacity Development
350 Capitol Street, Room 313, Charleston, WV 25301-3713
Phone: (304)356-4325 Fax:(304)558-0691 email: Christopher.W.Thomas@wv.gov
Website: http://www.wvdhhr.org/oehs/eed/iandcd/

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OTHER

Environmental Justice (EJ) Impact Analysis Certification

1. Applicant's name and proposed project name or description: City of Wellsburg Water System Improvements Project

2. Are there any identified EJ (minority or low income population) areas within or nearby the proposed project area?

   ☐ Yes ☒ No

3. 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

4. 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.

5. Identify, describe, and provide locations of EJ population _____

6. If a disproportionate adverse effect is expected to impact an EJ population, identify type/level of public outreach implemented. _____

7. Identify disproportionately high and adverse impacts on EJ populations. _____

8. Are adverse impacts appreciably more severe or greater in magnitude than the adverse impacts expected on non-minority/high-income populations?

   ☐ Yes ☐ No

9. Are alternatives and/or mitigation required to avoid impacts to EJ populations?

   ☐ Yes ☐ No

   If yes, describe action. _____

10. I certify that this certification accurately describes the impact to EJ populations and

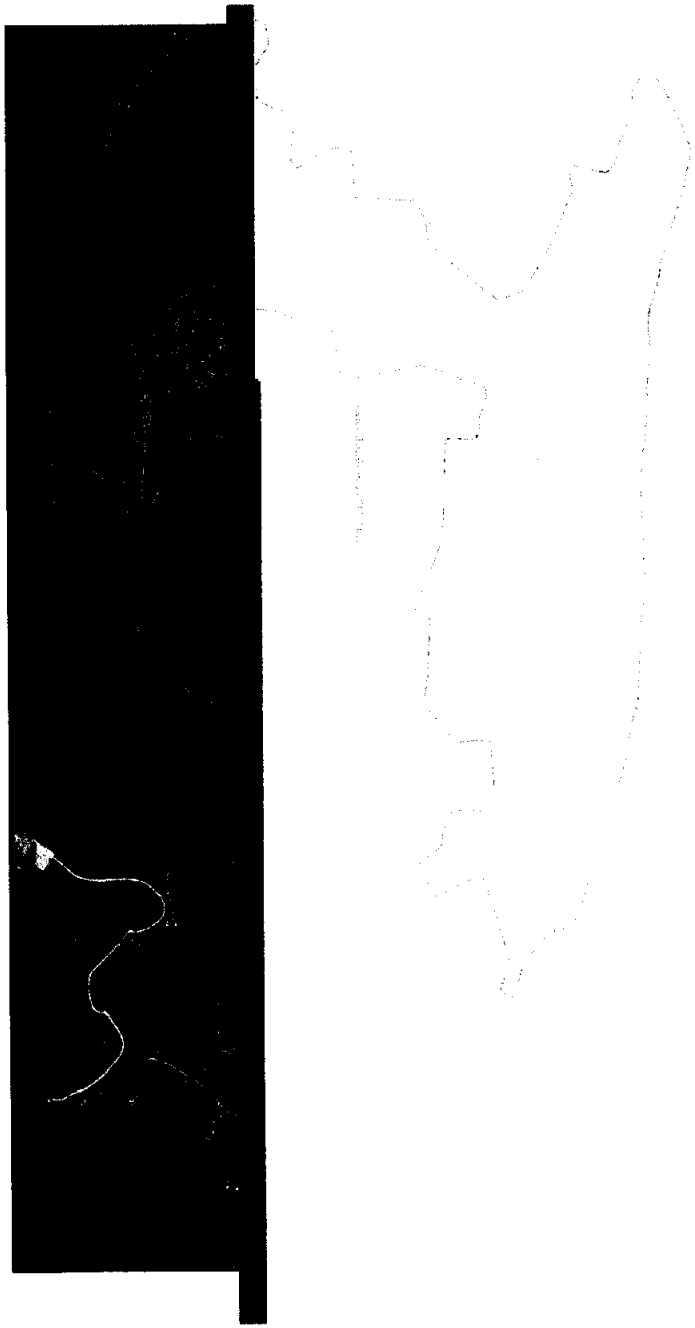
    ☒ No major EJ impact is likely to result if the proposed project is implemented.

    ☐ A major EJ impact is likely to result if the proposed project is implemented.

Steve Maguschak, City Manager
Printed Name & Title of Certifying Official

Steve Maguschak 8/17/20
Signature Date

OTHER



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

FILED

2020 DEC 29 A 8:53

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

December 28, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **December 23, 2020**.

APPLICATIONS FOR EXEMPTION RECEIVED

December 21, 2020 – Beautiful Minds Counseling, LLC, Princeton, Mercer County, CON File #20-1-12007-X, for the development of a licensed behavioral health center in Princeton, Mercer County.

December 21, 2020 – WV Family Support and Rehabilitation Services, Parkersburg, Wood County, CON File #20-2-12008-X, for the development of a behavioral health center at 4510 Terrace Avenue, Huntington, Cabell County.

PROJECTS EXEMPT FROM REVIEW

December 21, 2020 - Ferguson Properties LLC, Charleston, Kanawha County, CON File #20-7-11993-X, for the acquisition of the real property and equipment of Nella's, Inc., the licensed operator and owner of the real property of Nella's Inc., a nursing home in Elkins, Randolph County.

December 21, 2020 – Stonerise Opco Holdings LLC, Charleston, Kanawha County, CON File #20-7-11994-X, for the acquisition of the stock of Nella's, Inc., the licensed operator and owner of the real property of Nella's Inc., a nursing home in Elkins, Randolph County.

December 21, 2020 – Whitman Properties LLC, Charleston, Kanawha County, CON File #20-7-11995-X, for the acquisition of the real property and equipment of Nella's Nursing Home, Inc, a nursing home in Elkins, Randolph County.

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