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NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Community and Technical College Education (135-17)	Transferability of Credits and Grades at WV Public Colleges and Universities Procedural	§§18B-1-6, 18B-2B-6	Written Comments Only February 6, 2015, 4:00 pm James L. Skidmore, Chancellor WV Council for Comm. & Tech. College Education 1018 Kanawha Blvd. East, Suite 700 Charleston, WV 25301
Community and Technical College Education (135-23)	Basic Guidelines and Standards for Admissions at Community and Technical Colleges Procedural	§§18B-2B-6, 18B-3C-2	Written Comments Only February 6, 2015, 4:00 pm James L. Skidmore, Chancellor WV Council for Comm. & Tech. College Education 1018 Kanawha Blvd. East, Suite 700 Charleston, WV 25301
Public Service Commission (150-6)	The Government of Telephone Utilities Legislative Exempt	§§24-1-7, 24-2-1, 24-6-1 et seq.	Written Comments Only March 6, 2015, 4:00 pm Ingrid Ferrell, Executive Secretary 201 Brooks Street PO Box 812 Charleston, WV 25323

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

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

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

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

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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

RULE MONITOR

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

RULE MONITOR

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

RULE MONITOR

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

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Programs Legislative	6/13/2014	7/14/2014		7/28/2014	Modified & Approved 11/20/2014 Filed 11/21/2014			
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014			
Consolidated Public Retirement Board (162-8)	Service Credit for Accrued and Unused Sick and Annual Leave Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014			
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014			
Crime, Delinquency and Correction (149-2)	Law Enforcement Training and Certification Standards Legislative	8/4/2014	9/5/2014		9/9/2014	Modified & Approved 10/23/2014 Filed 10/29/2014			
Dentistry (5-1)	Rule for the WV Bd. of Dentistry Legislative	5/14/2014	6/13/2014		7/25/2014	Modified & Approved 12/17/2014 Filed 12/17/2014			
Dentistry (5-2)	Formation and Approval of Professional Limitied Liability Companies Legislative	5/14/2014	6/13/2014		7/25/2014	Approved 12/17/2014			
Dentistry (5-6)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	5/14/2014	6/13/2014		7/25/2014	Approved 12/17/2014			
Dentistry (5-9)	Application Procedures for Licensure or Certificate Procedural	12/17/2014	1/16/2014						
Dentistry (5-15)	Dental Recovery Networks Legislative	6/11/2014	7/11/2014	6/11/2014 Approved 7/10/2014	7/25/2014	Modified & Approved 12/17/2014 Filed 12/17/2014			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-7)	Education in WV's Correctional Institutions: Mission and Goals (1471) Legislative Exempt	5/15/2014 7/11/2014 2ND Comment Period Withdrawn 10/9/2014 10/9/2014	6/16/2014 8/11/2014 2ND Comment Period Withdrawn 10/9/2014 11/10/2014					12/11/2014	1/12/2015
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma Legislative Exempt	4/11/2013	5/13/2013						
Education (126-44C)	Next Generation Content Standards and Objectives for Science in West Virginia Schools (2520.3C) Legislative Exempt	10/9/2014	11/10/2014					12/11/2014	7/1/2016
Education (126-44M)	Common Core Content Standards for Career and Technical Education in WV Schools (2520.13) Legislative Exempt	12/11/2014	1/12/2015						
Education (126-72)	Establishment and Operation of Regional Education Service Aencies (3233) Legislative Exempt	10/9/2014	11/10/2014					12/11/2014	1/12/2015
Enterprise Resource Planning Board (213-1)	Enterprise Resouce Planning System User Fee Legislative	4/7/2014	5/9/2014	4/7/2014 Approved 4/22/2014	6/26/2014	Approved 10/23/2014			
Environmental Protection – Secretary's Office (60-4)	Awarding of WV Stream Partners Program Grants Rule Legislative	6/26/2014	7/25/2014		7/29/2014	Approved 11/20/2014			
Family Protection Services Board (191-1)	Operation of the Family Protection Advisory Board Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/30/2014			
Family Protection Services Board (191-2)	Family Protection Programs, Outreach Services and Shelter Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014			
Family Protection Services Board (191-3)	Perpetrator Intervention Programs Licensure Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Family Protection Services Board (191-4)	Monitored Parenting and Exchange Program Certification Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014			
Family Protection Services Board (191-5)	Perpetrator Intervention Programs Licensure for Correctional Institutions Legislative	6/27/2014	7/28/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/17/2014			
Fire Commission (87-8)	Volunteer Firefighters' Training, Equipment and Operating Standards Legislative	5/23/2014	6/24/2014	7/1/2014 Approved 8/11/2014	7/1/2014	Approved 12/17/2014 Filed 12/31/2014 Modified Withdrawn 1/6/2015			
Fire Marshal (103-3)	Supervision of Fire Protection Work Legislative	5/29/2014	6/30/2014		7/1/2014	Modified & Approved 12/17/2014 Filed 12/31/2014			
Forestry (22-1)	Ginseng Regulations Legislative	6/27/2014	7/31/2014		8/1/2014	Modified & Approved 9/11/2014 Filed 9/18/2014			
Health (64-3)	Public Water Systems Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 10/23/2014			
Health (64-13)	Nursing Home Licensure Rule Legislative	6/27/2014	7/28/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/6/2014			
Health (64-27)	Statewide Trauma/Emergency Care System Legislative	6/27/2014	7/28/2014		7/31/2014	Modified & Approved 9/11/2014 Filed 10/14/2014			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-29)	Fatality and Mortality Review Team Legislative	6/27/2014	7/28/2014		7/31/2014	Modified & Approved 9/11/2014 Filed 10/14/2014			
Health (64-60)	Medication Administered and Performance of Health Maintenance Tasks by Unlicensed Personnel Legislative	6/27/2014	7/28/2014		7/31/2014	Modified & Approved 10/23/2014 Filed 11/5/2014			
Health & Human Resources (69-6)	Nurse Aide Abuse Registry Legislative	6/27/2014	7/28/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/6/2014			
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	6/18/2014	7/18/2014	5/20/2014 Approved 6/30/2014	7/31/2014	Approved 10/23/2014			
Higher Education Policy Comm. (133-12)	Capital Project Management Legislative	12/12/2013	1/13/2014		1/24/2014				
Higher Education Policy Comm. (133-17)	Transerability of Credits and Grades at the Undergraduate Level Procedural	12/1/2014	12/31/2014						
Higher Education Policy Comm. (133-23)	Standards and Procedures for Undergraduate Admission at Four-Year Colleges and Universities Procedural	12/1/2014	12/31/2014						
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	2/24/2014	3/26/2014	2/24/2014 Effective 2/24/2014	4/4/2014	Approved 6/2/2014			
Higher Education Policy Comm. (133-41)	Health Sciences Scholarship Program Procedural	12/1/2014	12/31/2014						
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	8/4/2014	9/4/2014	8/1/2014 Effective 8/1/2014					
Information Services and Communications Division (161-3)	Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment Legislative	6/24/2014	7/24/2014		7/30/2014	Modified & Approved 9/11/2014			

THE ABOVE RULE HAS BEEN REASSIGNED TO "OFFICE OF TECHNOLOGY" 163-1

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-11E)	Annuity Disclosure Legislative	6/24/2014	7/24/2014		8/1/2014	Modifed & Approved 9/11/2014 Filed 9/15/2014			
Insurance Commission (114-45)	Recognizing Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities Legislative	6/24/2014	7/24/2014		8/1/2014	Approved 9/11/2014			
Labor (42-9)	Child Labor Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014			
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014			
Labor (42-26)	Weights and Measures Calibration Fees Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014			
Labor (42-31)	Verifying the Legal Employment Status of Workers Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 12/17/2014 Filed 12/29/2014			
Labor (42-32)	Supervision of Plumbing Work Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014			
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/18/2014	7/18/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014			
Medicine (11-1B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	4/30/2014	5/30/2014	4/30/2014 Approved 6/6/2014 Amendment 6/12/2014 Approved 6/17/2014	7/22/2014	Modified & Approved 11/20/2014 Filed 11/20/2014			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Miners' Health, Safety and Training (56-20)	Rules Governing the Safety of Those Employed In and Around Quarries in WV Legislative	6/25/2014	7/25/2014		7/29/2014	Modified & Approved 9/11/2014 Filed 9/16/2014			
Motor Vehicles (91-4)	Examination and Issuance of Driver's License Legislative	6/26/2014	7/27/2014		8/1/2014	Modified & Approved 12/17/2014 Filed 12/31/2014			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	7/2/2014	8/1/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/21/2014			
Natural Resources (58-26)	Special Boating Rules Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 10/23/2014			
Natural Resources (58-41)	Wildlife Damage Control Agents Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 9/11/2014 Filed 9/29/2014			
Natural Resources (58-46)	Defining the Terms Used In All Hunting and Trapping Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014			
Natural Resources (58-49)	General Hunting Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 10/23/2014 Filed 11/7/2014			
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014			
Natural Resources (58-71)	Hunting, Trapping and Fishing License and Stamp Fees Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014			
Office of Technology (163-1,formerly 161-3)	Procedures for Sanitization, Retirement and Disposition of Information Technology Equipment Legislative	6/24/2014	7/24/2014		7/30/2014	Modified & Approved 9/11/2014 Filed 10/3/2014			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-2)	Osteopathic Physician Assistants Legislative	6/3/2014	7/3/2014	5/12/2014 Approved 6/6/2014	7/31/2014	Modified & Approved 11/20/2014 Filed 11/25/2014			
Osteopathic Medicine (24-5)	Fees for Services Rendered by the Board of Osteopathy Legislative	6/3/2014	7/3/2014	5/12/2014 Approved 6/6/2014	7/31/2014	Approved 11/20/2014			
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	6/27/2014	7/27/2014		8/1/2014	Modified & Approved 11/20/2014 Filed 1/8/2015			
Pharmacy (15-7)	Registration of Pharmacy Technicians Legislative	6/25/2014	7/26/2014		8/1/2014	Modified & Approved 11/20/2014 Filed 1/8/2015			
Pharmacy (15-8)	Controlled Substances Monitoring Legislative	6/27/2014	7/27/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 1/8/2015			
Pharmacy (15-12)	Immunizations Administered by Pharmacists Legislative	6/25/2014	7/26/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 1/8/2015			
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapists Assistant Legislative	3/31/2014	5/1/2014		5/9/2014	Approved 10/23/2014			
Professional Engineers (7-1)	Examination, Licensure and Practice of Professional Engineers Legislative	1/27/2014 10/15/2014	3/3/2014 11/17/2014	12/27/2013 Approved 1/2/2014	3/27/2014 Withdrawn 12/3/2014 Filed 12/3/2014 Recommend Withdraw 12/17/2014				
Public Service Comm. (150-2)	Rules & Regs. For the Government of the Construction and Filing of Tariffs of Public Utilities and Common Carrier by Motor Vehicle Legislative Exempt	5/20/2014	7/18/2014 Written Comments 7/8/2014	5/20/2014 Approved 6/6/2014 Expired 9/5/2014				11/12/2014	1/11/2015

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Comm. (150-6)	The Government of Telephone Utilities Legislative Exempt	1/7/2015	3/6/2015						
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/24/2014	7/24/2014		7/29/2014	Approved 9/11/2014			
Real Estate Appraiser Licensing & Cert. Bd. (190-5)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/6/2014	7/9/2014	6/6/2014 Approved 7/10/2014	8/1/2014	Modified & Approved 12/17/2014 Filed 12/23/2014			
Registered Professional Nurses (19-9)	Disciplinary Action Procedural	4/18/2014	5/21/2014						
Secretary of State (153-20)	Procedures for Recount of Election Results Legislative	6/16/2014	7/21/2014		7/22/2014	Modified & Approved 9/11/2014 Filed 9/9/2014			
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014	Modified & Approved 9/11/2014 Filed 9/9/2014			
Secretary of State (153-46)	Notaries Public Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014	Modified & Approved 9/11/2014 Filed 9/9/2014			
Secretary of State (153-47)	Administrative Hearings for Notaries Public Procedural	6/6/2014	7/7/2014						
Secretary of State (153-50)	Schedule of Fees Legislative	5/28/2014	6/26/2014	5/20/2014 Approved 6/30/2014	8/1/2014	Modified & Approved 9/11/2014 Filed 9/9/2014			
Senior Services (76-3)	WV State Plan for Aging – Title V Interpretive	10/17/2014	11/17/2014						
State Police (81-9)	WV DNA Databank Legislative	6/25/2014	7/25/2014		7/25/2014	Modified & Approved 12/17/2014 Filed 12/30/2014			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax Department (110-1Q)	Appointment of Special Assessors by the State Tax Commissioner	6/24/2014	7/24/2014		7/31/2014	Modified & Approved 9/11/2014 Filed 9/26/2014			
Veterans' Assistance (86-1)	State Home for Veterans Procedural	5/28/2014	6/28/2014						
Veterans' Assistance (86-2)	State Home for Veterans-Fiscal Legislative	5/29/2014	6/28/2014	5/28/2014 Approved 6/2/2014	8/1/2014				
Veterans' Assistance (86-3)	Operation of the Division of Veterans Affairs Procedural	5/28/2014	6/28/2014						
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014				
Waste Management, Div. of Water & Wast Mgmt. (33-1)	Solid Waste Management Rule Legislative	6/30/2014	7/30/2014	6/30/2014 Approved 7/10/2014		Modified & Approved 10/23/2014 Filed 10/22/2014 Modified w/certain amendments & Approved 12/17/2014			
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/24/2014	Hearing 7/24/2014 Written Comments 7/28/2014		7/30/2014	Approved 11/20/2014			
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	6/4/2014	Hearing 7/1/2014 Written Comments 7/21/2014		8/1/2014	Approved 12/17/2014			
Water Resources, Div. of Water & Waste Mgmt. (47-30)	WV/NPDES Rule for Coal Mining Facilities Legislative	6/24/2014	7/24/2014		7/25/2014	Approved 12/17/2014			
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	12/22/2014	1/21/2015						

STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
812 QUARRIER STREET, SECOND FLOOR
CHARLESTON, WV 25301

PATRICK MORRISEY
ATTORNEY GENERAL

(304) 558-8989
FAX (304) 558-4509

FILED LEGISLATIVE
2015 JAN -6 P 4: 34
OFFICE WEST VIRGINIA
SECRETARY OF STATE

January 6, 2015

Judy Cooper
Administrative Law Division
West Virginia Secretary of State
1900 Kanawha Blvd. E.
Charleston, WV 25305

Re: State Fire Commission Legislative Rules
W.Va. Code R. 87-8

Dear Mrs. Cooper:

I am writing to you as the legal representative for the West Virginia State Fire Commission (hereinafter "Commission"). As you may recall, I spoke with you back in August concerning an issue with the above referenced rule. In response, I wrote the Legislative Rule Making Committee ("LRMC") informing them of the proposed changes to the rule. In December, this rule, as well as 103-3, were presented to the LRMC for approval. Despite the concerns which were addressed in the prior correspondence to LRMC, 87-8 was approved as presented – 103-3 was approved as modified. The notices of proposed changes to both rules were filed on December 31, 2014.

Today, I met with Debra Graham and Jared Wyrick. Because the Committee has already taken action to approve as filed, the changes to the recently filed version cannot be made. I am assured that the changes as proposed in the recently filed version will be considered by a committee when taking up the various rules bills this legislative session.

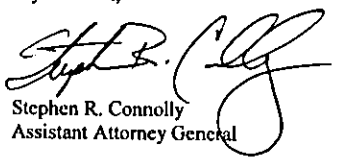
That being said, on behalf of the State Fire Commission, please withdraw the modified version of 87-8 filed on December 31, 2014.

Should you have any questions, please do not hesitate to contact myself or Kenneth E. Tyree, State Fire Marshal.

Sincerely,

STATE FIRE COMMISSION,

By Counsel,



Stephen R. Connolly
Assistant Attorney General

SRC/sdl

cc: Carl Sizemore, Chairman
Kenneth E. Tyree, State Fire Marshal

WV SOCIAL SERVICES MANUAL
MANUAL MATERIAL TRANSMISSION

DATE:	December 30, 2014	CHANGE NUMBER:	LG-14-2
TO:	ALL SOCIAL SERVICES MANUAL HOLDERS		

DELETE			INSERT OR CHANGE		
SECTION	CHAPTER	DATED	SECTION	CHAPTER	DATED
			1.1	12	12-30-14
			1.5	12	12-30-14
			2.2	12	12-30-14
			5.2.1	12	12-30-14
			6.4.2	12	12-30-14
			6.4	12	12-30-14

DW-17/CAS
Rev 11/09

FILED
2015 JAN -2 A 11: 14
OFFICE WEST VIRGINIA
SECRETARY OF STATE

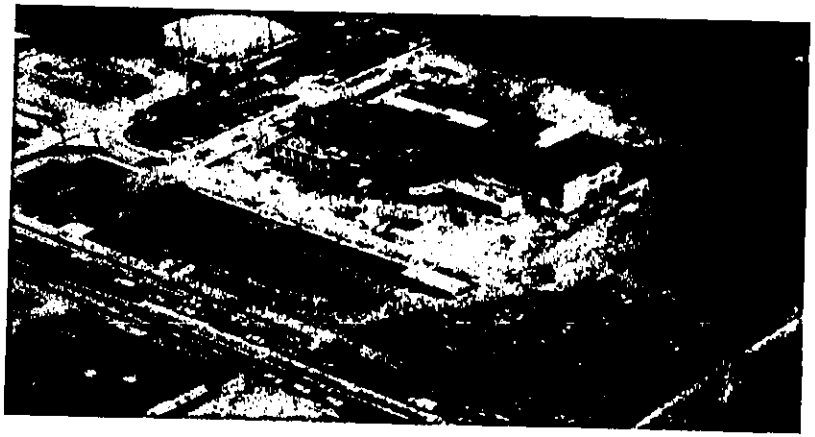
LEGISLATIVE

FILED
2015 JAN -2 A 8: 44
OFFICE WEST VIRGINIA
SECRETARY OF STATE

West Virginia Division of Labor

Prevailing Wage Rates

2015



Building Construction
Heavy and Highway Construction

John R. Junkins
Acting Commissioner

Wage & Hour Section
State Capitol Complex
Building 6 Room B-749
Charleston, WV 25305
(304) 558-7890

P.O. BOX 2067
CHARLESTON, WV 25327

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

LEGISLATIVE

Earl Ray Tomblin
Governor

John C. Musgrave
Director

January 5, 2015

FILED
2015 JAN -7 P 1:49
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Tennant:

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

Enclosed are game rules for "White Lion", "Islands of Galapagos", and "Aztec Dawn" manufactured by Bally Technologies for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures: White Lion
Islands of Galapagos
Aztec Dawn

P.O. BOX 2067
CHARLESTON, WV 25327

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

Earl Ray Tomblin
Governor

John C. Musgrave
Director

January 5, 2015

FILED
2015 JAN -7 P 1:50
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Tennant:

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

Enclosed are game rules for "Agent Crossbow", "Corgi Cash", "Hot Hot Penny 2", "Fortune Palace", "Open Kimono", "Lunaris", "Mu Guiying", "Hot Molten Money", "Code Name: Katarina", "Lucky Ladies", "Fortune Ruler", "4X Emeralds and Shamrocks", "3X Wild and Crazy", "Zeus", "2X Wild & Crazy", and "Triple Golden Cherries" manufactured by WMS Gaming, Inc. for lottery terminals located at all four licensed racetracks in the State.

Please file these documents as a game rule.

Sincerely,

John C. Musgrave
Director

JCM/mr

Enclosures:

Agent Crossbow	Corgi Cash
Hot Hot Penny 2	Fortune Palace
Open Kimono	Lunaris
Mu Guiying	Hot Molten Money
Code Name: Katarina	Lucky Ladies
Fortune Ruler	4X Emeralds and Shamrocks
3X Wild and Crazy	Zeus
2X Wild & Crazy	Triple Golden Cherries

FILED

2015 JUN -8 A 11: 13

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

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

Form #4

Do Not Mark In This Box

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: W. Va. Code Sections 30-5-7

AMENDMENT TO AN EXISTING RULE: YES x NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Licensure and Practice of Pharmacy

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

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.

David E. Potters
Authorized Signature

FILED

2015 JUN -8 A 11: 14

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

Form #4

Do Not Mark In This Box

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: W. Va. Code Sections 30-5-7

AMENDMENT TO AN EXISTING RULE: YES x NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 7

TITLE OF RULE BEING AMENDED: Registration of Pharmacy Technicians

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

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.

David E. Potters
Authorized Signature

FILED

2015 JAN -8 A 11: 15

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

LEGISLATIVE

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

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: W. Va. Code Sections 30-5-7 and 60A-9-6

AMENDMENT TO AN EXISTING RULE: YES x NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 8

TITLE OF RULE BEING AMENDED: Controlled Substances Monitoring

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

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.

David E. Potters
Authorized Signature

FILED

2015 JAN -8 A 11: 15

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: W. Va. Code Sections 30-5-7

AMENDMENT TO AN EXISTING RULE: YES x NO ___

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: Board of Pharmacy Rules Regarding Immunizations Administered by Pharmacists

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ___

TITLE OF RULE BEING PROPOSED: ___

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.

David E. Potters
Authorized Signature

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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1/7/2015 3:46:18 PM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

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

AGENCY **Public Service Commission**
RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **150-06**
RULE NAME **The Government of Telephone Utilities**

CITE AUTHORITY **W.Va. Code Sec. 24-1-7,24-2-1,24-6-1 et seq.**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, March 06, 2015 4:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Ingrid Ferrell, Executive Secretary
201 Brooks Street, PO Box 812
Charleston, WV 25323

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Ingrid M Ferrell - 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.

Title-Series: 150-06 Rule Id: 9680 Document: 26470

PROCEDURAL

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

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1/6/2015 1:48:58 PM
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Community And Technical College Education**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **135-17**
RULE NAME **Transferability of Credits and Grades at West Virginia Public Colleges and Universities**

CITE AUTHORITY **§18B-1-6, 18B-2B-6**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, February 06, 2015 4:00 PM

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

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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

Title-Series: 135-17 Rule Id: 9677 Document: 26468

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

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1/6/2015 2:20:18 PM
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

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

AGENCY **Community And Technical College Education**
RULE TYPE **Procedural** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **135-23**
RULE NAME **Basic Guidelines and Standards for Admissions at Community and Technical Colleges**

CITE AUTHORITY **§18B-2B-6, 18B-3C-2**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Friday, February 06, 2015 4:00 PM

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

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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

Title-Series: 135-23 Rule Id: 9678 Document: 26469

Orders Report

Docket Number	Agency	Respondent	Date Rendered
13-1-10050-PV	**Health Care Authority**	Appalachian Regional Healthcare Inc	12/30/2014
14-10-10230-P	**Health Care Authority**	Wheeling Hospital Inc	12/29/2014

WV COAL MINE SAFETY BOARD OF APPEALS
HEARING DATES 2014
ALL HEARINGS SET AT 9:30 A.M.UNLESS NOTED DIFFERENTLY ON DOCKET

FILED
2015 JAN -7 P 1:44
OFFICE WEST VIRGINIA
SECRETARY OF STATE

DATE/TIME	DOCKET NAME AND NUMBER		
January 8, 2015 9:30 a.m.	Joe Atha	14-DIS-1	
	Mark Borum	14-DEC-8	
	John Keffer	14-D-130	Contested
	John Martin	14-D-292	Reinstatement
	Kenneth McGraw	14-D-284	Reinstatement
	Kenneth McGraw	14-D-284	Plea
	William Willis	14-D-283	Reinstatement
	Mark Tharp	14-D-297	Plea
	Jeremy Brown	14-D-79	Plea
	Michael Bennett	14-D-319	Plea
January 13, 2015 9:30 a.m.	Mary Martin	14-DEC-7	
	Larry Greathouse	14-D-315	Contested
	James Smith	15-D-3	Plea
	Mark Tharp	14-D-297	Plea
January 21, 2015 9:30 a.m.	Justin Warren	14-D-316	Contested
	Eric Hoskinson	14-D-320	Contested
January 29, 2015 9:30 a.m.	Independence Coal	13-NOV-5	

REVISED 1/5/15

OTHER

WV COAL MINE SAFETY BOARD OF APPEALS
HEARING DATES 2014
ALL HEARINGS SET AT 9:30 A.M.UNLESS NOTED DIFFERENTLY ON DOCKET

DATE/TIME	DOCKET NAME AND NUMBER		
February 3, 2015 9:30 a.m.	Dynamic Energy, Inc	13-NOV-6 & 13-NOV-7	
	Lonnie Dean	14-DEC-9	
February 12, 2015 9:30 a.m.	Scott Parsons	15-D-2	Contested
	XMV, Inc.	13-NOV-10 & 13-NOV-11	
February 20, 2015 9:30 a.m.	XMV, Inc	13-NOV-17	
February 25, 2015 9:30 a.m.	Stollings Trucking	13-NOV-18	
March 3, 2015 9:30 a.m.	Todd Williams	13-NOV-19	
March 11, 2015 9:30 a.m.	Consolidated Coal Co.	13-NOV-20, 13-NOV-21 & 13-NOV-24	
March 19, 2015 9:30 a.m.	Cliffs Natural Resources	14-NOV-2 & 14-NOV-5	
March 25, 2015 No Drug Case Day 9:30 a.m.	Superior Processing	12-NOV-9 & 12-NOV-14	
	Billy Hudkins	14-NOV-4	
April 2, 2015 9:30 a.m.			

REVISED 1/5/15

WV COAL MINE SAFETY BOARD OF APPEALS
HEARING DATES 2014
ALL HEARINGS SET AT 9:30 A.M.UNLESS NOTED DIFFERENTLY ON DOCKET

DATE/TIME	DOCKET NAME AND NUMBER	
	BIT Construction	14-NOV-6
April 9, 2015 No Pat Day 9:30 a.m.		
April 14, 2015 9:30 a.m.		
	Newtown Energy	13-NOV-25
April 23, 2015 9:30 a.m.		
April 29, 2015 9:30 a.m.		
	Eastern Associated Coal	14-NOV-1 & 14-NOV-3
May 6, 2015 9:30 a.m.		
May 14, 2015 9:30 a.m.		
May 20, 2015 9:30 a.m.		
May 26, 2015 9:30 a.m.		
June 1, 2015 9:30 a.m.		

REVISED 1/5/15

OTHER

WV COAL MINE SAFETY BOARD OF APPEALS
HEARING DATES 2014
ALL HEARINGS SET AT 9:30 A.M.UNLESS NOTED DIFFERENTLY ON DOCKET

DATE/TIME	DOCKET NAME AND NUMBER
June 11, 2015 9:30 a.m.	
June 16, 2015 9:30 a.m.	
June 25, 2015 9:30 a.m.	
June 30, 2015 No Pat Day 9:30 a.m.	

REVISED 1/5/15

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

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

OTHER

MEMORANDUM

FILED
2015 JAN -6 P 4:20
OFFICE WEST VIRGINIA SECRETARY OF STATE

To: Interested Parties

From: Robert W. DeCrease, P. E. Robert DeCrease
Drinking Water Treatment Revolving Fund

Date: January 6, 2015

Subject: City of Welch
Water Treatment Plant Upgrade
Environmental Review (FONSI)
DWTRF Project Number: **14DWTRFA007**
McDowell County

Please find enclosed the City of Welch Water Treatment Plant Upgrade 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.

RWD:cwt

Distribution List:

City of Welch
Region 1 Regional Council
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health

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

FINDINGS OF NO SIGNIFICANT IMPACT

January 6, 2015

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 Welch
88 Howard Street
Welch, WV 24801
WVIJDC Project #: **2013W-1446**
SRF Project #: **14DWTRFA007**

Water Treatment Plant Upgrade

(Official Project Name and Number)

City of Welch
88 Howard Street
Welch, WV 24801

(Project Applicant)

Welch Water Treatment Plant vicinity
Welch, McDowell County, WV

(Project Location, City, County, State)

$ 3,956,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,996,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
City of Welch Water Treatment Plant Upgrades Project
WV IJDC Project No.: **2013W-1446/** SRF Project No.: **14DWTRFA007**

OTHER

I. PROPOSED PROJECT:

The scope of the work for this project at the water treatment plant includes the demolition of the existing pressure filters; construction of new gravity sand filters; installation of VFD (Variable Frequency Drive) units for all pumps; install new high service pumps; relocation of the motor control center; install flow meters on the raw water lines; install flow meters on the transmission main leaving the plant; install new transmission main within the plant access road; replace the existing roof; construct an electrical room; and replace the existing electrical system.

The plant is nearing its 40 year life expectancy and the upgrades will satisfy many needs at the plant. The new roof is needed due to structural concerns of the existing roof. The electrical system is dated and may not meet current safety requirements for the workers. The high service pumps cannot provide the same rate of production as other unit processes in the plant. The filters have no redundancy to accommodate routine maintenance. The transmission main from the plant is reaching its life cycle age of 40 years and is located in an isolated area making maintenance extremely difficult and costly.

II. PURPOSE AND NEED:

The water treatment plant is 38 years old. This project is needed to increase plant efficiency, to reduce energy cost and consumption, to minimize the safety risks to personnel, and to increase capacity. This upgrade will increase the reliability for the system's customers and improve the redundancy of the system.

The electrical system in the facility is in need of a complete upgrade. The August 2012 Sanitary Survey states that during a recent power outage, a portion of the plant's power system overheated and ignited. The plant's electric service was upgraded on April 18, 2013 to a true three (3) phase system. The electrical system inside of the building has been added to and replaced as needed over the years; however the condition of the electrical system continues to deteriorate.

The roof is original and is in a condition which is allowing significant amounts of rain to leak into the building. The leaking has caused major deterioration of the structural components of the roof. The condition of the roof structure creates significant safety risks to the operators at the plant, the equipment, and the customers that the plant serves. The roof is in such condition that patching it is not a viable option.

The City of Welch has completed testing of the roof materials at the plant. It was determined that approximately 50 sq. ft. of sealer on the roof of the generator room contains 2% asbestos. This material will need to be removed in accordance with asbestos abatement regulations prior to the replacement of the roof structure.

The water treatment plant gravity filters are 38 years old. The plant lacks redundant gravity filters for backwashing or maintenance operations and necessitates that the plant be able to produce treated water quicker and more efficiently, with few if any periods of downtime. The existing pressure filters are inoperable and new filters need to be constructed in their place to allow for sufficient production capabilities and the opportunity for maintenance and backwashing without sacrificing production.

The current high service pumps operate at a rate of 1,000 GPM. With any increase in either capacity or efficiency of the preceding processes the plant will still be limited to only the rate of the high service pumps. Upgrading to higher capacity pumps will allow for more efficient operations.

The existing outdated transmission main from the facility needs to be replaced in order to meet the anticipated increase in demand. The pipe's age and material make it suspect. Additionally, the current location of the pipe makes maintenance and repairs difficult.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The City can take a no course of action approach regarding the water treatment plant. If this alternative is selected the plant will be limited to a treated water production rate of 1,000 GPM, and the roof will continue to deteriorate, and water supply demands will continue to increase. The plant currently operates 13 to 16 hours per day. This option is not considered to be a viable option.

IV. EVALUATION OF ALTERNATIVES:

1) Heavy Maintenance

A heavy maintenance approach includes the modification of the electric controls that exist inside the facility; the replacement of the control valves; replacement of the roof insulation and repair of the existing roof; and replacement of the filter media.

2) Major Upgrade

The major upgrade alternative includes: the demolition of the existing pressure filters; construction of new gravity sand filters; installation of VFD (Variable Frequency Drive) units for all pumps; install new high service pumps; relocation of the motor control center; install flow meters on the raw water lines; install flow meters on the transmission main leaving the plant; relocate existing transmission main into the roadbed of the existing access road; replace the existing roof; construct an electrical room; replace the existing electrical system; relocate the water main along McDowell Street; and replace the water main along Riverside Drive.
Optional components to the major upgrade include: addition of electronic actuation on all valves; increase the capacity of the clearwell; upgrade of the HVAC system; and upgrade of the plant generator.

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 Welch Water Treatment Plant project, dated October 21, 2014, states: "In our opinion, there are no architectural sites located within the proposed project area that are eligible for or listed in the National Register of Historic Places."(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** – "Execute Work by methods that minimize raising dust from construction operations." – City of Welch Water Treatment Plant Upgrade Plans and Specifications.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service – dated September 29, 2014 – states that "we have made a 'no effect' determination that the project will not affect federally-listed endangered and threatened species." A letter from WV Division of Natural Resources – dated October 1, 2014– 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 letter dated November 6, 2014 from Edward Shutt with Stafford Consultants Inc. states that "Following a review of this area, a review of the proposed location of the water line, and my many trips to and from the water treatment plant, it is my professional opinion that there are no wetland impacts that will occur as a result of this project." (see attached letter)

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 June 7, 1999 – states that "A segment of the Bluestone River in Summers County is the only Wild and Scenic designation in the State." Re-affirmed by letter- dated January 23, 2009. (See attached letters)

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated October 2, 2014 states that "Based on a review of the documents you submitted, the proposed water treatment plant project will not impact prime, statewide important farmland, or locally important farmland, because there are no important farmland map units within the project area." (see attached letter)

OTHER

9. **Flood Plain Management** – A letter from the US Army Corps of Engineers dated September 29, 2014 states that "...the approximate location of the transmission main intersects the identified SFHA on map panel 54047C0178D." (see attached email)

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved September 12, 2013).

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)

VI. 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.

VII. MITIGATING MEASURES:

The contract specifications for the City of Welch Water Treatment Plant Upgrade project go over several methods and requirements to follow to limit or avoid dust releases, excess sound, and other normal construction disturbances.

VIII. PUBLIC PARTICIPATION:

A public meeting for the project was held by the City of Welch on July 3, 2013 at 1:00 PM. There were no public comments on the project.

IX. 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 Welch **Phone:** 304-436-3113

Address: 88 Howard Street Welch, WV 24801

Public Water System: City of Welch **County:** McDowell

Project: Water Treatment Plant Upgrades

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		During Construction Period	Contract Documents
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 Letter
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVBPH
Farmland Protection Policy		X	X			X	NA	NRCS
Floodplain Management	X		X		X		Construction plans need to be submitted to the local flood plain administrator at time before construction. Not completed to date.	USACE
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH

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

Signature: Christopher W. Thomas **Date:** December 22, 2014 **Telephone:** 304-356-4325

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

OTHER

WEST VIRGINIA
Division of Culture and History

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

October 21, 2014

Mr. Stacy A. Fowler, P.E
Project Manager
Stafford Consultants, Inc.
1105 Mercer Street
P.O. Box 5849
Princeton, WV 24740

RE: City of Welch Water Treatment Plant Upgrade
FR#: 13-169-MD-2

Dear Mr. Fowler:

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 submitted information, the proposed project has undergone a design change since our prior review in May 2013. An upgrade to the main transmission line has been added to the project. There are two possible routes currently being evaluated. There are no new above ground components associated with this portion of the project.

A search of our records located no previously documented archaeological resources within the proposed project area. Submitted information indicates that the proposed water transmission line will be installed within existing road rights-of-way and/or previously disturbed areas, where in our opinion it is unlikely that any intact archaeological deposits are present. In our opinion, there are no cultural resources located within the proposed project area that are eligible for or listed in the National Register of Historic Places. If, however, intact cultural materials are encountered during construction, all activity within the discovery area shall cease and our office shall be contacted immediately.

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

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK

CONSULTANTS INCORPORATED

Engineering, Design, and Consulting
Planning and Environmental Services

September 23, 2014

File: 12-7325.40/B

RECEIVED
SEP 25 2014
WVFO

RECEIVED
SEP 30 2014
STAFFORD CONSULTANTS

OTHER

Deborah Carter, Supervisor
U.S. Fish and Wildlife
U.S. Department of Interior - WV Field Office
694 Beverly Pike
Elkins, WV 26241

Dear Ms. Carter:

RE: City of Welch
Water Treatment Plant Upgrade

After receipt of your approval, dated December 13, 2012, for the water treatment plant upgrade for the City of Welch WV, which currently serves approximately 1,200 customer within the City of Welch WV an expansion in the scope of work was initiated and an upgrade to the main transmission line for the plant has been added. The enclosed project area map shows this additional line. The line has two possible routes to convey the potable water. Please evaluate both alternatives. We are notifying your office of the location of the proposed project. A copy of the proposed location of the mainline is enclosed for your reference.

Please provide us with information and comments regarding the potential impact of this

United States Department of the Interior

FISH AND WILDLIFE SERVICE

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

In response to your letter above, 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 Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species becomes available, this determination may be reconsidered.

Definitive determinations of the presence 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.

Barbara S. Sargent
Reviewer's signature and date
Sep 29 2014

Field Supervisor's signature and date 9/29/14

RECEIVED
OCT 1 3 2014
STAFFORD CONSULTANTS

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Earl Ray Tomblin
Governor

Frank Jezioro
Director

October 1, 2014

Mr. Stacy Fowler
Stafford Consultants, Inc.
PO Box 5849
Princeton, WV 24740

Dear Mr. Fowler:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Water Treatment Plant Upgrade project for the City of Welch in McDowell County, WV.

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.

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
Wildlife Diversity Unit

enclosure

S:\Monthly\Barb\Invoices\Stafford.doc

STAFFORD CONSULTANTS INCORPORATED
Engineering, Design, and Consulting
Planning and Environmental Services

OTHER

November 6, 2014

File: 12-7325.40/R

Mr. Robert DeCrease
WV State Health Department
Environmental Engineering Division
Capital and Washington Streets
1 Davis Square, Suite 200
Charleston, WV 25301-1798

Dear Mr. DeCrease:

RE: City of Welch
Welch Water Treatment Plant Upgrades
Environmental Correspondence

Please find enclosed copies of the recent Environmental Correspondence as requested by Chris Thomas, EIT for the Welch Water Treatment Plant Upgrades project. This correspondence is in addition to the correspondence located in Appendix N of the Preliminary Engineering Report and specifically addresses the transmission line replacement location.

None of the correspondence received indicated any known issues. Of all of the correspondence received, only the Army Corp of Engineers recommended any follow up actions. Their correspondence recommended that 1) all plans and proposals for construction need to be submitted to the local flood plain administrator; and 2) a field inspection by an environmental specialist is recommended for the final determination.

Correspondence from the local floodplain administrator is included in the enclosed copies.

Please see the enclosed 11x17 exhibit showing the National Wetlands Inventory as provided by the U.S. Fish and Wildlife Service for the State of West Virginia. This exhibit has the location of the proposed transmission main as it relates to the known wetlands in the area.

1105 Mercer Street • Post Office Box 5849 • Princeton, West Virginia 24740
Telephone (304) 425-9555 • Fax (304) 425-9557

Following a review of the area, a review of the proposed location of the water line, and my many trips to and from the water treatment plant, it is my professional opinion that there are no wetland impacts that will occur as a result of this project.

Please provide us a copy of the FONSI Notice.

If you have any questions, or need additional information, please do not hesitate to contact me.

Sincerely,

Edward L. Shutt, P.E.
President

ELS/saf

Enclosures:
(1) Army Corp of Engineer Correspondence
(2) DEP Air Quality Correspondence
(3) DEP Water and Waste Correspondence
(4) Dept. of Natural Resources Correspondence
(5) Fish & Wildlife Correspondence
(6) Natural Resources Conservation Services Correspondence
(7) Region I Planning & Development Council Correspondence
(8) State Historical Preservation Office Correspondence
(9) Wetland Mapper Exhibit

cc: Danny Barie, w/ enclosures
Reba Honaker, w/enclosures
Jack Whittaer, w/enclosures
Robin Lee, w/enclosures
Lisa Miller, w/o enclosures
Katy Mallory, PE, w/o enclosures
Chris Thomas, EIT, w/enclsoures

OTHER

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Capitol Complex, Building 3, Room 812
1900 Kanawha Boulevard, East
Charleston WV 25305-0664
Telephone (304) 558-2771
Fax (304) 558-3147
TDD 1-800-354-6087

Cecil H. Underwood
Governor

John R. Rader
Director

June 7, 1999

Mr. Daniel A. Parker
Environmental Resources Specialist
Bureau for Public Health
Office of Environmental Health Services
815 Quarrier Street, Suite 418
Charleston, WV 25301

Dear Mr. Parker:

You recently inquired about Congressionally designated Wild and Scenic Rivers in West Virginia. A segment of the Bluestone River in Summers County is the only Wild and Scenic designation in the State. Other rivers that have some federal status are: segments of the Gauley and Meadow Rivers in Nicholas and Fayette counties are in a federally designated National Recreation Area; and a segment of the New River in Fayette County is designated as a National River. Each of these have differing levels of protection and are administered by the National Park Service.

Other rivers in the state have been studied, but no other designations have been made. You were particularly interested in the Ohio River. There are no federal designations for the Ohio River. If you have questions or require other information, please do not hesitate to call.

Sincerely,

Gordon C. Robertson
Deputy Chief

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3288
Telephone (304) 637-0245
Fax (304) 637-0250

Joe Manchin III
Governor

Frank Jackson
Director

RECEIVED
JAN 2 6 2009

January 23, 2009

Mr. Daniel A. Parker
Bureau of Public Health
Department of Health and Human Resources
Capitol and Washington Streets
1 Davis Square, Suite 200
Charleston, WV 25301

Dear Mr. Parker:

Thank you for contacting the Wildlife Diversity Program regarding Wild and Scenic Rivers in West Virginia. Nothing has changed in the state since Mr. Robertson's 1999 letter. A segment of the Bluestone River in Summers County is the only river holding Wild and 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 contact me if you should require more information.

Sincerely,

Barbara Serpent
Environmental Resources Specialist
Wildlife Diversity Program

United States Department of Agriculture

NRCS

Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505

(304) 284-7580 (Phone)
(304) 284-4839 (Fax)

OTHER

October 2, 2014

Stacy A. Fowler, P.E.
Stafford Consultants, Inc.
1105 Mercer Street, PO Box 5849
Princeton, WV 24740

RE: Farmland Conversion Impact Rating, City of Welch, Water Treatment Plant Upgrade, McDowell County, WV

Dear Mr. Fowler:

This is to acknowledge receipt of your request for evaluation of Important Farmland related to the above referenced project in McDowell 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 by a Federal agency or with the assistance from a Federal agency. Assistance from a Federal agency includes loans, financial and technical assistance.

Based on a review of the documents you submitted, the proposed water treatment plant upgrade will **not** impact Prime, Statewide Important Farmland, or Locally Important Farmland, because there are no important farmland map units within the project area. Because there is no impact on important farmland, a form AD-1006 does **not** need to be completed. If you have questions regarding this matter, please contact Norm Bailey, Resource Conservationist, at 304-284-7585.

Sincerely,

Robert N. Pate

Robert N. Pate
USDA-NRCS Resource Soil Scientist, Robert.Pate@wv.usda.gov

cc: Norm Bailey-Resource Conservationist; NRCS-WV

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US Army Corps of Engineers

HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS

FLOODPLAIN MANAGEMENT SERVICES

502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701
1-866-401-3980 Email: fpms-lrh@usace.army.mil
29 September 2014 2:57:46 PM

ID:	1409-2913-0345	DATE IN: 9/29/2014	DATE OUT: 9/29/2014
CONTACT:	Stacy Fowler	STATE:	WV
INTEREST:	City, Town, Village, etc	COUNTY:	McDowell
PHONE:	304-425-9555	LAT:	37.43289
REQUEST:	Construction Review	LON:	-81.58455
LOCATION:	Welch, WV		
EXCEPTION:	None noted		

RESPONSE

The proposed site was evaluated using the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer as provided by the WMS GIS Web Service documented at https://hazards.fema.gov. The site map provided by Stafford Consultants Incorporated, dated 23 September 2014, was georeferenced using the USA Topo Map layer as published by ESRI. The site area was reviewed against the Flood Insurance Rate Map (FIRM) Index with the following results:

The georeferenced site plan intersects the following published FEMA FIRM maps: 54047C0178D and 54047C0190D. Both maps have an effective date of 16 May 2005. Mod Branch, the tributary area shown on the provided plan view, does not contain any designated Special Flood Hazard Areas (SFHA) on the above referenced FIRM maps. However, at the mouth of Mod Branch where it enters into the Tug Fork, the approximate location of the transmission main intersects the identified SFHA on map panel 54047C0178D.

In order to comply with the relevant local flood plain management ordinance, all plans and proposals for construction need to be submitted to the local flood plain administrator: McDowell County - Carmella Fredrick, 304-436-3421/4229, mcradirector@gmail.com

In an effort to identify wetlands, the National Wetlands Inventory provided by the U.S. Fish and Wildlife Service for the State of West Virginia was downloaded from the Wetlands Mapper (http://www.fws.gov/). Wetlands were identified in the project area and a field inspection by an environmental specialist is recommended for the final determination. Permitting questions can be directed to the Huntington District Regulatory office at 304-399-5710.

US Army Corps of Engineers

HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS

FLOODPLAIN MANAGEMENT SERVICES

502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701
1-866-401-3980 Email: foms-lrh@usace.army.mil
29 September 2014 2:57:46 PM

OTHER

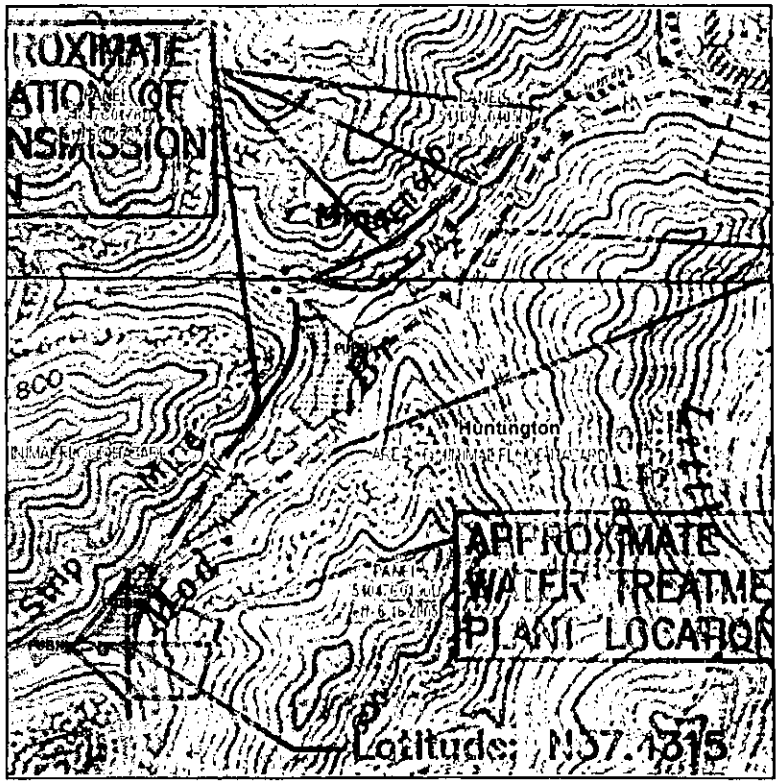
This development does not conflict with any known efforts or projects within the boundaries and authority of the Huntington District US Army Corps of Engineers. This evaluation is in support of the NFIP program and is not intended as an evaluation of the Clean Water Act or Navigable Waterway Federal laws.

US Army Corps of Engineers

HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS

FLOODPLAIN MANAGEMENT SERVICES

502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701
1-866-401-3980 Email: foms-lrh@usace.army.mil
29 September 2014 2:57:46 PM



Screen capture of project area review showing the quad sheet base layer, provided site plan, FEMA hazard layer, and the Fish and Wildlife Service wetland inventory.

US Army Corps of Engineers

HUNTINGTON DISTRICT, US ARMY CORPS OF ENGINEERS

FLOODPLAIN MANAGEMENT SERVICES

502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701
1-866-401-3980 Email: fpms-lrh@usace.army.mil
29 September 2014 2:57:47 PM

OTHER

CONFIDENTIAL PRIVILEGED INFORMATION: The information contained in this communication is confidential and/or privileged, proprietary information that is transmitted solely for the purpose of the intended recipient(s). If the reader of this message is not an intended recipient, or if this message has been inadvertently directed to your attention, you are hereby notified that you have received this communication and any attached document(s) in error, and that any review, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately and destroy all copies of the original communication.

The information obtained from this office is authorized in support of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) and is authorized by ER 1105-2-100: Planning Guidance Notebook. This information is considered provisional and/or the "best available data" and may be subject to revision. The data is released on the condition that neither the US Army Corps of Engineers nor the United States Government may be held liable for any damages resulting from its use.

Sincerely,

Amy K. Frantz
Chief, Planning Branch

Environmental Justice (EJ) Impact Analysis Certification

1. Applicant's name and proposed project name or description: City of Welch - Water Treatment Plant Renovation 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.

Nandita S. Gilkey, Director | Signature | 12.12.14

Printed Name & Title of Certifying Official | Signature | Date

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

FILED

2015 JAN -5 A 11: 37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

January 5, 2015

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **January 2, 2015**.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

December 31, 2014 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #14-1-10207-H, for the addition of Diagnostic Cardiac Catheterization Services; capital expenditure: $198,000.

December 31, 2014 – Caring Angels Home Health, LLC, Winchester, Virginia, CON File #14-8/9-10231-Z, for the establishment of a home health agency in Martinsburg, Berkeley County to serve the residents of Jefferson, Berkeley, Morgan, Hampshire and Mineral counties; capital expenditure: $65,000.

December 31, 2014 – Lewisburg Center LLC, Berkeley Springs Center LLC, Wellsburg Center LLC, Rocky Hills Properties LLC, Emases Properties and Autumn Acres Properties LLC, Charleston, Kanawha County, CON File #14-4/9/11-10363-A, for the acquisition of the real estate and the licensed operations associated with The Brier, a nursing home located in Greenbrier County; Berkeley Springs Rehabilitation and Nursing, a nursing home located in Morgan County; and Valley Haven Geriatric Center, a nursing home located in Brooke County; capital expenditure: $19,000,000.

December 31, 2014 – FC Compassus, LLC, Alpharetta, Georgia, CON File #14-1-10353-X, for the acquisition of all the stock of CLP Healthcare Services, Inc., the grandparent company of Community Hospices of America, LLC d/b/a Hospice Compassus – Southern West Virginia; capital expenditure: $2,750,000.

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

January 10, 2015 – Review cycle begins;

January 20, 2015 – Last date for an affected person to present reasons why the applicant should complete a standard application to the Authority;

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

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

March 16, 2015 – Decision on the project will be issued by the Authority.

ORDER ISSUED

December 30, 2014 – Appalachian Regional Healthcare, Inc., Beckley, Raleigh County, CON File #13-1-10050-PV, for the development of an ambulatory care center at 725 Ritter Drive, Beaver, Raleigh County; capital expenditure: $13,919.

It is ORDERED that in the matter of Appalachian Regional Healthcare, Inc., involving the development of an ambulatory care center without first obtaining Certificate of Need approval, the Authority assesses a civil penalty.

CERTIFICATE OF NEED APPROVAL ISSUED

December 29, 2014 – Wheeling Hospital, Inc., Wheeling, Ohio County, CON File #14-10-10230-P, for the acquisition of the practice of Thomas Wack, M.D., a family practice physician whose office is located in Marshall County; capital expenditure: $35,000.

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

Earl Ray Tomblin
Governor

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

James L. Pitrolo, Jr.
Chairman

Board Members
Sonia D. Chambers
Marilyn G. White

OTHER

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

January 2, 2015

NEWS ITEM

FILED
2015 JAN -5 P 12
OFFICE WEST VIRGINIA
SECRETARY OF STATE

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

December 31, 2014 – Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #14-1-10207-H, for the addition of Diagnostic Cardiac Catheterization Services; capital expenditure: $198,000.

December 31, 2014 – Caring Angels Home Health, LLC, Winchester, Virginia, CON File #14-8/9-10231-Z, for the establishment of a home health agency in Martinsburg, Berkeley County to serve the residents of Jefferson, Berkeley, Morgan, Hampshire and Mineral counties; capital expenditure: $65,000.

December 31, 2014 – Lewisburg Center LLC, Berkeley Springs Center LLC, Wellsburg Center LLC, Rocky Hills Properties LLC, Emases Properties and Autumn Acres Properties LLC, Charleston, Kanawha County, CON File #14-4/9/11-10363-A, for the acquisition of the real estate and the licensed operations associated with The Brier, a nursing home located in Greenbrier County; Berkeley Springs Rehabilitation and Nursing, a nursing home located in Morgan County; and Valley Haven Geriatric Center, a nursing home located in Brooke County; capital expenditure: $19,000,000.

December 31, 2014 – FC Compassus, LLC, Alpharetta, Georgia, CON File #14-1-10353-X, for the acquisition of all the stock of CLP Healthcare Services, Inc., the grandparent company of Community Hospices of America, LLC d/b/a Hospice Compassus – Southern West Virginia; capital expenditure: $2,750,000.

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

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www.hca.wv.gov

On or before **January 20, 2015**, any affected person may present reasons to the Authority as to why the applicants of the projects should complete a standard application.

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

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

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

The decisions on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the applications, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the decisions will be issued on or before **March 16, 2015**.

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

1/2/2015
Date

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