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

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Health and Human Resources

Health Care Authority

Real Estate Commission

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

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	SB 142 HB 2302		
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	SB 148 HB 2303		
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	SB 143 HB 2304		
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	SB 193 HB 2305		
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	SB 211 HB 2306		
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	SB 210 HB 2315		
Agriculture (61-11B)	Auctioneers Legislative	7/1/2014	7/31/2014		8/1/2014	Modified & Approved 10/23/2014 Filed 11/19/2014	SB 212 HB 2307		
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	SB 213 HB 2308		
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	SB 214 HB 2309		

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	SB 215 HB 2276		
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	SB 216 HB 2310		
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	SB 221 HB 2311		
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	SB 222 HB 2361		
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	SB 217 HB 2312		
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	SB 218 HB 2313		
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	SB 219 HB 2362		

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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	SB 220 HB 2314		
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	SB 164 HB 2282		
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	SB 163 HB 2283		
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	SB 162 HB 2284		
Air Quality (45-30)	Requirements for Operating Permits Legislative	6/4/2014	7/7/2014		7/23/2014	Approved 9/11/2014	SB 169 HB 2285		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/4/2014	7/7/2014		7/25/2014	Approved 9/11/2014	SB 168 HB 2286		
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	SB 191 HB 2316 BUNDLED SB 187		
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	SB 190 HB 2317 SB 187		
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					2/11/2015	3/13/2015
Community & Technical College Ed. (135-23)	Basic Guidelines and Standards for Admissions at Comm. & Tech. Colleges Procedural	1/6/2015	2/6/2015					2/11/2015	3/13/2015

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Community & Technical College Ed. (136-25)	Residency Classification for Admission and Fee Purposes Procedural	2/3/2015	3/6/2015						
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	SB 195 HB 2358		
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	SB 144 HB 2278		
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	SB 229 HB 2279		
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/24/2014	7/24/2014		7/31/2014	Approved 9/11/2014	SB 145 HB 2277		
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	SB 194 HB 2327		
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	SB 207 HB 2318		
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	SB 206 HB 2280		
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	SB 209 HB 2281		
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	SB 208 HB 2319		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-32)	Issuance of the State of WV High School Equivalency Diploma Legislative Exempt	4/11/2013	5/13/2013						
Education (126-44CC)	Next Generation Content Standards and Objectives for Science in West Virginia Schools (2520.3C) Legislative Exempt	1/15/2015	2/17/2015						
Education (126-44M)	Next Generation Standards for Career and Technical Education in WV Schools (2520.13) Legislative Exempt	12/11/2014	1/12/2015					2/13/2015	3/16/2015
Education (126-94)	Procedures for the Collection, Maintenance and Disclosure of Student Data (4350) Legislative Exempt	1/15/2015	2/27/2015						
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	SB 198 HB 2291		
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	SB 160 HB 2287		
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	SB 180 HB 2320		
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	SB 178 HB 2321		
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	SB 228 HB 2322		
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	SB 179 HB 2323		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 181 HB 2324		
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	SB 184 HB 2292		
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	SB 185 HB 2325		
Forestry (22-1)	Ginseng Regulations Legislative	6/27/2014	7/31/2014		8/1/2014	Modified & Approved 9/11/2014 Filed 9/18/2014	SB 159 HB 2326		
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	SB 175 HB 2333		
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	SB 176 HB 2328		
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	SB 177 HB 2331		
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	SB 172 HB 2332		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 173 HB 2329		
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	SB 174 HB 2330		
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	SB 171 HB 2293		
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					1/13/2015	2/13/2015
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					1/15/2015	2/13/2014
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					1/13/2015	2/13/2015
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									
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	SB 189 HB 2334 BUNDLED SB 187		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 188 HB 2294 BUNDLED SB 187		
Labor (42-9)	Child Labor Legislative	6/23/2014	7/23/2014		7/30/2014	Modified & Approved 11/20/2014 Filed 12/2/2014	SB 154 HB 2340		
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	SB 153 HB 2335		
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	SB 158 HB 2336		
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	SB 156 HB 2337		
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	SB 155 HB 2338		
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	SB 157 HB 2339		
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	SB 197 HB 2341		
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	SB 270 HB 2342		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 192 HB 2343		
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	SB 152 HB 2344		
Natural Resources (58-26)	Special Boating Rules Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 10/23/2014	SB 151 HB 2295		
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	SB 150 HB 2345		
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	SB 146 HB 2296		
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	SB 148 HB 2346		
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/23/2014	7/23/2014		7/30/2014	Approved 9/11/2014	SB 149 HB 2297		
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	SB 147 HB 2298		
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	SB 183 HB 2347		
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	SB 202 HB 2348		
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	SB 201 HB 2299		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 223 HB 2349		
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	SB 204 HB 2351		
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	SB 205 HB 2352		
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	SB 203 HB 2350		
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	SB 200 HB 2300		
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		SB 199 HB 2364		
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	SB 187 HB 2301 BUNDLED SB 187		
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	SB 197 HB 2353		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 224 HB 2354		
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	SB 225 HB 2355		
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	SB 226 HB 2356		
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	SB 227 HB 2357		
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	SB 182 HB 2359		
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	SB 186 HB 2360 BUNDLED SB 187		
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 (86-4)	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	SB 165 HB 2363		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	SB 161 HB 2288		
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	SB 167 HB 2289		
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	SB 166 HB 2290		
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	12/22/2014	1/21/2015						
Water Resources, Div. of Water & Waste Mgmt. (47-64)	Aboveground Storage Tank Fee Assessments Legislative	2/5/2015	3/10/2015						

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

eFILED

2/13/2015 10:31:05 AM

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

FORM 5 – NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY **Education**

RULE TYPE **Legislative Exempt** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **126-044M**

RULE NAME **~~Common Core Content~~** Next Generation **Standards for Career and Technical Education in West Virginia Schools (2520.13)**

CITE AUTHORITY **W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)**

RULE IS LEGISLATIVE EXEMPT

Yes

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451; 376 S.E.2d 839 (1988)

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE, THE EFFECTIVE DATE OF THIS RULE IS

Monday, March 16, 2015

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

Yes

Charles K Heinlein -- 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: 126-044M Rule Id: 9670 Document: 26516

Orders Report

Docket Number	Agency	Respondent	Date Rendered
14-1-10145-P	**Health Care Authority**	Appalachian Regional Healthcare Inc	2/9/2015
13-10-10000-H	**Health Care Authority**	Acuity Specialty Hospital-Ohio Valley, LP	2/9/2015
13-11-10001-H	**Health Care Authority**	Acuity Specialty Hospital-Ohio Valley, LP	2/9/2015
13-2-10038-H	**Health Care Authority**	Cabell Huntington Hospital, Inc	2/9/2015
15-11-10395-X	**Health Care Authority**	Healthways	2/9/2015
13-3-10087-P	**Health Care Authority**	Lincoln Primary Care Center Inc	2/9/2015
15-2-10390-X	**Health Care Authority**	Mainstream Services Inc	2/9/2015
14-6-10327-P	**Health Care Authority**	MGH Surgery LLC	2/10/2015
15-2-10398-X	**Health Care Authority**	Necco	2/9/2015
15-7-10392-X	**Health Care Authority**	Nella's Inc	2/9/2015
13-10-10072-X/P	**Health Care Authority**	Ohio Valley Medical Center Inc	2/9/2015
15-2-10402-X	**Health Care Authority**	Prestera Center for Mental Health Services Inc	2/9/2015
15-1/4-10393-X	**Health Care Authority**	REM Community Options LLC	2/9/2015
15-3-10394-X	**Health Care Authority**	Starlight Behavioral Health Services	2/9/2015
15-2/3-10389-X	**Health Care Authority**	Warrior Caregiving, LLC	2/9/2015
C-14-022	**Real Estate Commission**	Vickie L. Jenkins	1/7/2015

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 1-15

By the Governor

WHEREAS, the Polymer Alliance Zone was created in 1996 as a pilot project of the State of West Virginia through Executive Order No. 1-96 of Governor Gaston Caperton; and

WHEREAS, the Polymer Alliance Zone is a membership organization which includes both polymer and polymer-related industries in Jackson, Mason and Wood counties; and

WHEREAS, the Polymer Alliance Zone has one of the highest concentrations of high technology, specialty and engineering polymers in the world and has both the land and demographics to support further proliferation of the polymer industry; and

WHEREAS, the polymer industry is an important component of the State's economy, providing revenue to the State and providing jobs for its citizens; and

WHEREAS, the stakeholders in the Polymer Alliance Zone seek to increase its industrial base to include Pleasants County; and

WHEREAS, the Mid-Ohio Valley is one of the most cost-effective places in the world to produce and manufacture plastics and polymers, and therefore, it benefits Pleasants County and its citizens to align with the Polymer Alliance Zone for the promotion of the area to attract new companies, industries, jobs and education opportunities; and

WHEREAS, the development of the Marcellus and Utica Shale region will continue to make the area attractive to polymer and polymer-related companies, and the Pleasants County Commission is committed to the promotion, education and development of Pleasants County and its citizens.

NOW, THEREFORE, I, EARL RAY TOMBLIN, pursuant to the authority vested in me as the Governor of the State of West Virginia, do hearby **ORDER** that:

1. The Polymer Alliance Zone is continued, and is expanded to include a four-county area in the State of West Virginia, consisting of Jackson, Mason, Pleasants and Wood counties.
2. The West Virginia Development Office will continue to develop, promote and coordinate the success of the Polymer Alliance Zone so as to best benefit the citizens of the State of West Virginia by encouraging businesses to expand or relocate within the Polymer Alliance Zone and enhance the economic progress of the State.
3. The West Virginia Development Office will continue to package current incentives effectively and evaluate prospective economic development tools which may be needed to accomplish the goal of vertically diversifying the polymer industry of the State.
4. The West Virginia Department of Environmental Protection and Public Service Commission of West Virginia shall continue to carry out their regulatory duties and shall continue to evaluate and pursue prospective concepts which are required to accomplish the vertical diversification of the polymer industry in this State.
5. Individual businesses within the Polymer Alliance Zone are encouraged to partner with the four county school districts and the college and university systems of West Virginia, taking advantage of the resources available to stimulate broad-based economic development within the Polymer Alliance Zone and throughout West Virginia.

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

DONE at the Capitol in the City of Charleston, State of West Virginia, on this eleventh day of February, in the year of our Lord, Two Thousand Fifteen, and in the One Hundred Fifty-Second year of the State.

Earl Ray Tomblin
GOVERNOR

By the Governor

Natalie E. Tennant
SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

A PROCLAMATION

By the Governor

WHEREAS, on the sixteenth day of February, Two Thousand Fifteen, a train carrying crude oil derailed in the Mount Carbon area of Fayette County, West Virginia, causing explosions, fires, power outages, and property damage, and requiring certain residents of Adena Village and Boomer to evacuate the area; and

WHEREAS, crude oil leaked into Armstrong Creek, a tributary of the Kanawha River, potentially contaminating the source water for certain residents in and around the community of Montgomery, Fayette County, West Virginia, and the communities of Cedar Grove, East Bank, and Glasgow, Kanawha County, West Virginia; and

WHEREAS, first responders and government resources were dispatched to the impacted areas immediately; and

WHEREAS, these first responders, working with local, state, and federal emergency managers and regulators, continue to render aid and assistance to the residents of the aforementioned communities; and

WHEREAS, pursuant to section six, article five, chapter fifteen of the Code of West Virginia, I proclaimed a State of Emergency, limited in scope to the Mount Carbon, Adena Village, Boomer, Armstrong Creek, and Montgomery areas of Fayette County, West Virginia, and in the Cedar Grove, East Bank, and Glasgow areas of Kanawha County, West Virginia, at approximately 5:15 p.m. on the sixteenth day of February, Two Thousand Fifteen; and

WHEREAS, the effects of this emergency continue to threaten the health, safety, and welfare of the residents of the aforementioned communities.

NOW, THEREFORE, I, EARL RAY TOMBLIN, by virtue of the authority vested in me as Governor of the State of West Virginia, and in view of the foregoing, do hereby memorialize that I have **INVOKED** the emergency powers set forth in section six, article five, chapter fifteen of the Code of West Virginia, **ACTIVATED** the Emergency Operations Center, and **ORDERED** appropriate personnel and resources to respond to this emergency to protect the health, safety, and welfare of affected residents. In addition, I also **FIND AND DECLARE** that a State of Emergency exists and continues in the Mount Carbon, Adena Village, Boomer, Armstrong Creek, and Montgomery areas of Fayette County, West Virginia, and in the Cedar Grove, East Bank, and Glasgow areas of Kanawha County, West Virginia, said State of Emergency to remain in effect for thirty days from the date of this Proclamation, unless extended or rescinded by further Proclamation.

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

DONE at the Capitol, in the City of Charleston, State of West Virginia, this the eighteenth day of February, in the year of our Lord, Two Thousand Fifteen, in the One Hundred Fifty-Second year of the State.

Earl Ray Tomblin
GOVERNOR

By the State

Natalie E. Tennant
SECRETARY OF STATE

PUBLIC NOTICE

FILED

2015 FEB 18 P 12: 18

OFFICE WEST VIRGINIA SECRETARY OF STATE

OTHER

WEST VIRGINIA MEDICAID PROGRAM CHANGE TO THE REIMBURSEMENT METHODOLOGY FOR ACUTE CARE HOSPITALS

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources (Department), Bureau for Medical Services (Bureau) provides notice of the filing of a state plan amendment to modify reimbursement to West Virginia acute care hospitals.

Effective April 1, 2015, the Bureau will revise its acute care hospital reimbursement to provide for interim payments, subject to final settlement, from a pool of funds to be directed toward acute care prospective payment system (PPS) hospitals and hospitals providing tertiary and rural safety net services. This plan amendment will continue to classify hospitals based on U.S. Census classification for rural and metropolitan statistical areas.

The purpose and rationale for this plan amendment is to renew the PPS and tertiary and rural safety net hospitals' supplemental payment pools and set new pool amounts.

This plan amendment is expected to result in an annual aggregate amount $54,856,347 for fiscal year 2015.

Documents detailing these proposed actions will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning February 18, 2015 through March 23, 2015 and on the web at: www.dhhr.wv.gov/bms under Public Notices.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706 or on the web at www.dhhr.wv.gov/bms under Public Notices or by email to SPAcomments@wv.gov. Any written comments received will be available for review at the above address during normal business hours of 8:30 a.m. to 4:30 p.m., beginning February 18, 2015 through March 23, 2015 or on the web at www.dhhr.wv.gov/bms under Public Notices.

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

MEMORANDUM

FILED

2015 FEB 18 A 11: 57

OFFICE WEST VIRGINIA SECRETARY OF STATE

To: Interested Parties

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

Date: February 13, 2015

Subject: Wilderness Public Service District – White Water Road Interconnection Project
DWTRF# 14DWTRFA009
IJDC# 2012W-1375
Nicholas County

Please find enclosed the Wilderness Public Service District – White Water Road Interconnection Project Finding of No Significant Impact (FONSI).

The review process indicated no significant environmental impacts would 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 within 30 days of issuance of the FONSI for consideration to Paul Daniels, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may email comments to paul.e.daniels@wv.gov. You may FAX your comments to (304) 558-4322. After evaluating the comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this Finding of No Significant Impact. No administrative action will be taken with respect to this proposal during this time frame.

RWD:pcd

Enclosure

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

FINDINGS OF NO SIGNIFICANT IMPACT

FILED
2015 FEB 18 A 11: 57 OTHER
OFFICE WEST VIRGINIA
SECRETARY OF STATE

February 13, 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:

Wilderness Public Service District
589 Riviera Drive
Mount Nebo, WV 26679-8277
WVIJDC Project #: **2012W-1375**
SRF Project #: **14DWTRFA009**

White Water Road Interconnection Project
(Official Project Name and Number)

Wilderness Public Service District
589 Riviera Drive
Mount Nebo, WV 26679-8277

(Project Applicant)

Mount Nebo area of Nicholas County, WV
(Project Location, City, County, State)

$ 2,405,856
(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 2,562,682
(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Wilderness Public Service District White Water Road Interconnection Project
WV IJDC Project No.: **2012W-1375** / SRF Project No.: **14DWTRFA009**

I. PROPOSED PROJECT:

The Wilderness Public Service District (PSD) White Water Road Interconnection Project is a proposed interconnection with Gauley River PSD Potable Water System which uses the Summersville Regional Water Plant as their source of water. The Wilderness PSD Water Treatment facility is owned and operated by Wilderness PSD, located near the Town of Mt. Lookout in Nicholas County, West Virginia. For the proposed project, a feasibility study was performed by Potesta & Associates, Inc. for the WV Department of Environmental Protection-Office of Abandoned Mine Lands (WVDEP-AML) for the White Water Road project area. It was determined that pre-1977 mining has impacted half of the area's water sources. This project is a part of the Regional Water Supply Interconnection Plan.

The proposed project is to construct a water distribution system that connects the Wilderness PSD to the Gauley River PSD's 8-inch waterline (now supplied by Summersville) by installing a 100 gallon per minute above ground pre-engineered package booster pump station with telemetry and emergency power generator and approximately 1.4 miles of 8-inch PVC waterline along Whitewater Road. This connection will provide service up to 11 new customers. Additionally the project will include approximately 0.5 miles of 2-inch waterline that will be installed on the inlet side of the Mt. Lookout tank to correct low pressure issues, 2 new fire hydrants, a new 150,000 gallon water storage tank to serve the Mt. Lookout area, a 100,000 gallon above ground backwash holding tank to collect waste solids, a plate press with building to house it for dewatering the waste solids, an emergency generator for backup power, and all necessary valves and appurtenances.

II. PURPOSE AND NEED:

The interconnection to Gauley River PSD (from Summersville) is needed to provide sufficient quantities of water to the growing population of Wilderness PSD. The Wilderness PSD Water Treatment Plant routinely operates over 16 hours per day which is inadequate to do planned maintenance. The interconnection will provide additional reserve capacity for the PSD as well as serve approximately 7 new customers in the White Water Road area where the residents currently have poor quality and quantity according to the Preliminary Engineering Report. Water samples were collected from 4 of the residential water sources during the feasibility study performed by Potesta & Associates, Inc. for the WVDEP-AML. These samples indicated that all water tested exceeded at least one of the Maximum Contaminant Level (MCL) of the National Primary and Secondary Drinking Water Regulations for pH, Aluminum, Iron, Magnesium, Turbidity and/or Lead. The study also indicated that at least one of the residents ran out of water during drought conditions.

The feasibility study performed by Potesta & Associates, Inc. for the WVDEP-AML determined that pre-1977 mining has impacted the White Water Road area's water sources. Residents living in this project area currently obtain water for drinking, bathing, and food preparation from these impacted sources which include groundwater wells and springs. The study provided the following determinations and recommendations:

1. Pre-1977 and post-1977 surface and deep coal mining exists near the boundaries of the study area.
2. There is a high probability that the water resources in the study area have been degraded and/or depleted by pre-1977 and post-1977 mining operations.
3. Resident expressed complaints about water quality such as odor and color in approximately 100 percent of the wells used.
4. The information obtained during the examination allows for the further determination that 100 percent of the water sources for the project area are impacted by pre-1977 and post-1977 mining. Since post-1977 mining exists within the project area and the inability to distinguish between pre-1977 mine drainage and post-1977 mine drainage, it was determined that pre-1977 mining has a 50 percent impact on the water sources within the project area.
5. The study area is surrounded by pre-1977 and post-1977 law mining which impacts the water quality of the residences in the study area.
6. Extension of WPSD water lines adjacent to the study area is the recommended mitigation alternative to serve the study area.

Certain areas of Mt. Lookout has been experiencing pressures below 30 psi static and 20 psi under all flow conditions which are minimum required pressures by the Division of Health, Department of Health and Human Resources, Public Water Systems Design Standards, 64CSR77.10.2.b. Growth in the area in the Mt. Lookout pressure zone resulted in homes being built at higher elevations than anticipated. This project will address this by extending a waterline from the inlet line of the Mt. Lookout Tank (higher pressure zone) to the customers experiencing low pressures, which will reduce the potential for contaminants entering the potable water system.

The Mt. Lookout pressure zone has experienced an average growth of 11 customers per year resulting in 540 customers served. The Mt. Lookout Tank (100,000 gallons) provides only 1.2 days storage. The Division of Health, Department of Health and Human Resources, Public Water Systems Design Standards, 64CSR77.9.1.a.2 requires twice the daily demand plus fire flow for systems that offer fire protection. This project proposes an additional 150,000 gallon water storage tank to be built next to the Mt. Lookout Tank to meet and surpass this requirement.

The proposed portable emergency generator will provide additional back-up power for the Wilderness PSD potable water system. The generator will be sized to power any of the equipment on the water system including the water treatment plant. This additional back-up generator should allow the PSD to always supply water to their customers at normal working pressures even during prolonged power outages. It is important to keep the water distribution system full of water and at a normal working pressure to reduce the potential for contaminants entering the potable water system.

The Wilderness PSD currently has an NPDES permit for on-site disposal of the solids from the backwash settling basin. The PSD desires to have a more environmentally friendly means to dispose of this waste. This project will include a new backwash holding tank and a plate

OTHER

press for more efficient dewatering of the material and environmentally friendly disposal of sludge waste.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The residents in the White Water Road area currently obtain water for drinking, bathing, and food preparation from sources which include private groundwater wells and springs. The report completed by Potesta & Associates, Inc. concluded that there is a high probability that these sources had been impacted by pre-1977 mining.

According to the report, the geologic setting indicates alternating layers of shale, sandstone, clay and coal within the study area. The difference in rock permeability and the nearly flat lying beds make these rock strata conducive to the development of perched or semi-perched groundwater aquifers. These aquifers are recharged during periods of wet weather, and the amount of available water varies based on the amount of precipitation received. Shale and clay tend to limit the percolation of water through the geologic structure due to the limited porosity of these rock types. Sandstone and coal strata are more conducive to water percolation and retention, potentially creating a perched or semi-perched aquifer within these strata. Where these strata interact with the ground surface, springs or seep areas may emerge. These aquifers may be developed through emergent springs or manmade wells installed within the aquifer.

In a natural state, these aquifers can interact. However, in a mined area, such as the ones in the study, the effect of mining on a water supply can be detrimental. As a coal seam is mined, aquifers that occur in the rock strata above the mined seam may be impacted. As the mined area creates a new pathway for water within the overlying aquifer to travel, the rock strata between the mined coal and the aquifer can become fractured during post mining activities causing springs and seep areas that once flowed from the aquifer to possibly disappear.

Degradation of groundwater occurs where mine areas become a source of highly mineralized recharge to the underlying aquifers. The groundwater may also experience change in quality by lowering of the water table causing oxidation, thus increasing the solubility of some minerals and increasing the dissolved solids content. Deep mines may act as large reservoirs/aquifers and may cause fracturing in overlying strata as pillars of coal are removed. The fractures which are caused by settlement of overlying strata may act as conduits for transmitting groundwater from overlying aquifers into the mine pools.

It was determined by Potesta & Associates, that the water resources in the study area have been degraded by pre-1977 mining operations. The study concluded that the White Water Road Area had approximately 50% of the water supply sources impacted by pre-1977 mining. If the existing Wilderness PSD system is not extended to these residents, it could raise future public health problems due to the residents consuming contaminated water for domestic use. By extending the system to service the residents, the PSD would be able to provide a clean and reliable water service to the people of this area.

Certain areas of Mt. Lookout has been experiencing pressures below 30 psi static and 20 psi under all flow conditions which are minimum required pressures by the Division of Health, Department of Health and Human Resources, Public Water Systems Design Standards, 64CSR77.10.2.b. Water lines that have low water pressures can under some flow conditions have no pressure or even negative pressures which can introduce contaminates into the potable water system. These contaminants are potential health concerns for the customers. This project will address this by extending a waterline from the inlet line of the Mt. Lookout Tank (higher pressure zone) to the customers experiencing low pressures, which will reduce the potential for contaminants entering the potable water system.

The Mt. Lookout pressure zone has one potable water storage tank, Mt. Lookout Tank (100,000 gallons), which provides only 1.2 days storage. The Division of Health, Department of Health and Human Resources, Public Water Systems Design Standards, 64CSR77.9.1.a.2 requires twice the daily demand plus fire flow for systems that offer fire protection. Running out of potable water has potential health risks such as no water for sanitary issues and introducing contaminants into the potable water system. This project proposes an additional 150,000 gallon water storage tank to be built next to the Mt. Lookout Tank to meet and surpass this requirement as well as emergency generators which should greatly reduce the possibility of running out of potable water.

Waste sludge material from the backwash system is currently land applied at the water treatment plant site under a NPDES permit for on-site disposal of solids. The PSD would like to dispose of the material in a more acceptable environmental manner. Installing a holding tank and a plate press will allow the waste material to be used as fill material or taken to a landfill.

IV. EVALUATION OF ALTERNATIVES:

Several alternatives exist for replacing the impacted water supplies of the study area. These alternatives include, but are not limited to, bottled or trucked water, the provision of individual home water treatment systems, the replacement of wells, and upgrade of a community treatment facility or the extension of a public water system into the area.

The cost estimate for providing bottled water, trucked water, or individual home water treatment systems was not developed. The logistics of delivering bottled or trucked water over a long period of time and the inconvenience for the consumer to utilize such water for domestic use make this alternative impractical. Home treatment units are generally reported not to be completely successful at removing all of the contaminants associated with a poor quality groundwater source. Also, home treatment units would have to be maintained and replaced over time.

The replacement of wells in the study area is not a feasible solution. Newly constructed wells could produce new water supplies with similar quality problems as the water supplies replaced.

OTHER

The alternatives of water supply were previously evaluated by the West Virginia Infrastructure and Jobs Development Council (WVIJDC) Consolidation Committee under Project 98W-312. The decision to provide a Phase I interconnection with the Gauley River Public Service District was approved by the WVIJDC in 1998. Nothing has changed significantly since 1998 which would require additional study of any further alternatives related to the White Water Road interconnection.

The alternative to provide additional storage for the Mt. Lookout pressure zone was to construct a second tank of sufficient size to handle the existing customer base, potential growth and fire protection. The "no action" alternative will not meet regulatory requirements.

The alternative to provide increased pressure to the customers in the Mt. Lookout pressure zone is to connect a waterline to the tank inlet line and reinstall the meter connections to provide higher pressure. The "no action" alternative will not meet regulatory requirements.

Several alternatives for the sludge dewatering project were evaluated. Those alternatives included drying beds, Geo-Tubes and a plate press. The plate press was chosen due to the flexibility in operation and proven reliability.

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 Wilderness PSD White Water Interconnection project, dated November 20, 2014 states: "In our opinion, there are no archaeological resources located within the proposed project area that are eligible for or listed in the National Register of Historic Places." A letter from the WV Division of Culture and History regarding the Wilderness PSD White Water Interconnection project, dated December 11, 2014 states: "...no architectural properties which are eligible for or listed in the National Register of Historic Places are within the direct or indirect Area of Potential Effects (APE)." (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** – The Preliminary engineering Report developed by Stafford Consultants Incorporated states that "Several short-term adverse impacts will result from this project. They relate to construction activities and include land erosions and damage, noise, odor, dust and air pollution. These effects will be temporary in nature with not long-term adverse effects." A letter form the WV DEP Division of Air Quality regarding the Wilderness PSD White Water Interconnection project, dated June 25, 2014 states: "Based on current regulatory requirements, the project referenced

above as outlined in your letter does not appear to require any pre-construction permits, authorizations, or air quality analyses be WVDAQ except to the extent any of the following apply:..." (see attached letter)

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service – dated June 30, 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 August 4, 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** – The letter from Stafford Consultants Incorporated dated January 7, 2015 states that "...I have reviewed the attached National Wetlands Inventory maps for the subject areas and visited the sites on numerous occasions. In my professional opinion, no wetlands will be impacted by the proposed construction activities or proposed Projects". (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 August 13, 2014 states "Based on a review of the documents you submitted, the proposed sewer project will **not** impact Prime, Statewide Important Farmland, or Locally Important Farmland, because the construction will be located along already disturbed highway right-of-ways, and because the area is already urbanized. Because there is no impact on important farmland, a form AD-1006 does **not** need to be completed". (see attached letter)

9. **Flood Plain Management** – According to the Huntington District, US Army Corps of Engineers, Floodplain Management Services and the Nicholas County Floodplain Office, a portion of the project along White Water Road is within the Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance flood, designated Zone A, which is an area where no base flood elevation has been determined. Proposed construction will primarily be performed in the existing right-of-ways and be below ground level; therefore the proposed improvements should present no major concerns with regard to floodplains. The extent of construction will be minimized where floodplains are to be crossed or impacted. The Department of the Army, Huntington District, Corps of Engineers sent a letter dated July 17, 2014 that states "To the extent that the Corps has jurisdiction over the discharge of dredged and /or fill material associated with the proposal, the project meets the criteria for Nationwide Permit (NWP) 12 under the February 21, 2012, Federal Register, Issuance of NWPs (77FR 10184)...". (see attached letter) Also, floodplain management ordinances will be taken into account for Nicholas County.

OTHER

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved January 22, 2013) and was granted a Health Department permit to construct February 11, 2015 (#19,537).

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. An Environmental Justice (EJ) Impact Analysis Certification was provided for this project that indicated the following:

    A. There are no identified EJ areas within or nearby the proposed project area.
    B. The applicant's proposed project will not likely result in a change in the current land use patterns.
    C. The demographic analysis does not indicate the applicant's proposed project may disproportionately affect any significant EJ populations.
    D. No major EJ impact is likely to result if the proposed project is implemented, as certified by Lesley Taylor, Community Project Specialist, Region IV Planning and Development Council.

    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 primary adverse impacts of noise, dust, erosion, air pollution and sedimentation during construction will be mitigated by utilizing good construction practices which include proper scheduling of the work hours, erosion and sedimentation controls, and prompt cleanup and reseeding after construction. These measures of mitigation will be strictly followed to ensure that no lasting detrimental environmental consequences will be associated with the project.

VIII. PUBLIC PARTICIPATION:

Project plans have been discussed at monthly utility board meetings for over a year. People that will be served by the project routinely attend the PSD Board meetings. Land owners in the Whitewater Road area have been notified by letter about the proposed project and made user agreements available. Another letter was sent to notify potential customers the PSD was ready to accept applications for service and tap fees. The project has the potential to serve 11 new customers. Currently about 7 have signed up.

IX. DOCUMENTATION:

A Project Location Map is attached.

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

OTHER

Statutory Checklist

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

Project Sponsor: Wilderness PSD **Phone:** 304-379-3130

Address: 589 Riviera Drive, Mount Nebo, WV 26679-8277

Public Water System: Wilderness PSD **County:** Nicholas

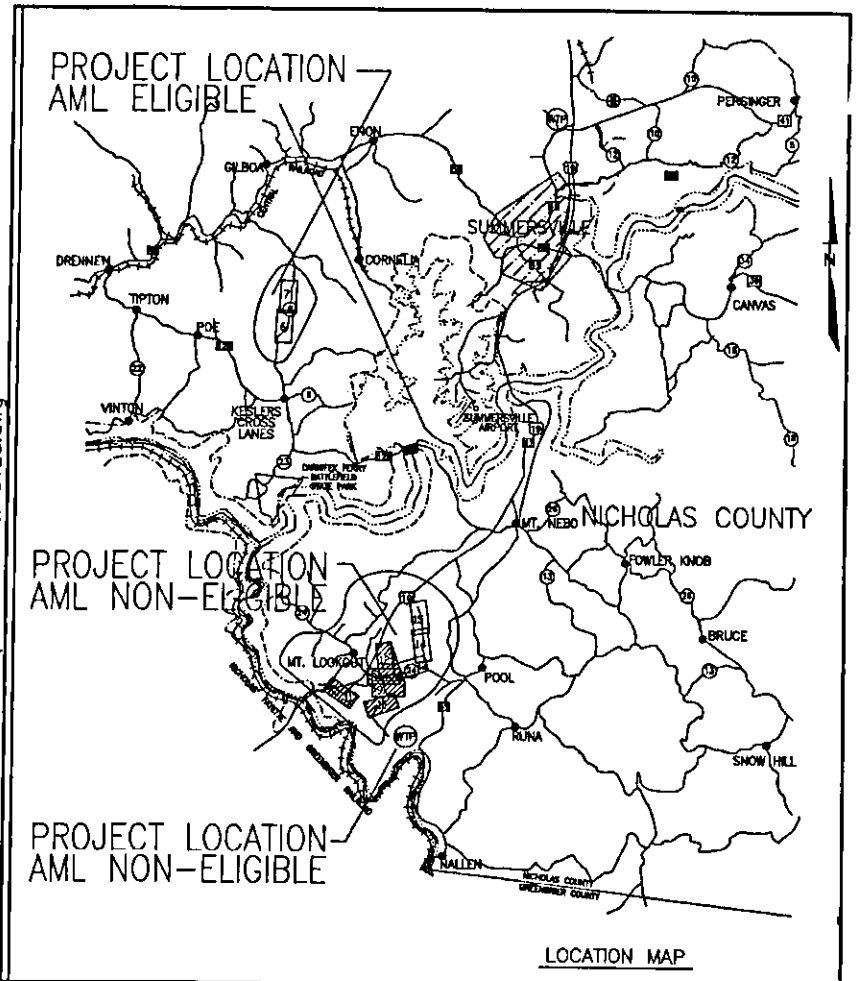
Project: Whitewater Road Interconnection Project

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		Minimize emissions from equipment during construction	Preliminary Engineering Report
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	Stafford Consultants Incorporated
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	Comply with USACOE NWP 12	USACOE
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	Region IV PDC

Prepared By: Paul Daniels **Title:** PE

Signature: **Date:** February 13, 2015 **Telephone:** 304-356-4307

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



LOCATION MAP

OTHER

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STAFFORD CONSULTANTS INCORPORATED

Engineering, Design, and Consulting

LAYOUT MAP

DRAWN	CHECKED	APPROVED	DATE	SCALE
JDW	ELS	ELS	02/12/15	SHOWN
PROJECT NUMBER:		08-7115.11		

SHEET NUMBER 1 OF 1

REV. NO. ——

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

FILED

2015 FEB 18 A 10:03

OFFICE WEST VIRGINIA SECRETARY OF STATE

February 16, 2015

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **February 13, 2015.**

PROJECTS DETERMINED NOT REVIEWABLE

February 9, 2015 – Healthways, Weirton, Brooke County, CON File #15-11-10395-X, for the relocation of its Passages for Growth program from 3306 Main Street to its main facility at 501 Colliers Way, Weirton, Brooke County, until another suitable location can be found; no capital expenditure.

February 9, 2015 – Mainstream Services, Inc., Lavalette, Wayne County, CON File #15-2-10390-X, to add the following I/DD Waiver services: Behavior Support Professional, Crisis Services, Dietary Therapy, Environmental Accessibility Adaptation, Facility-Based Day Habilitation, Occupational Therapy, Person-Centered Support Traditional Family, Person-Centered Support Traditional Agency, Physical Therapy, Respite Traditional Agency, Service Coordination, Skilled Nursing LPN, Skilled Nursing RN, Speech Therapy, Supported Employment, Therapeutic Consultant, Transportation Traditional Miles and Transportation Traditional Trips in Lincoln and Mingo counties; no capital expenditure.

February 9, 2015 – Necco, Logan, Logan County, CON File #15-2-10398-X, for the complete relocation of its Logan office from 212 Dingess Street to 313 Hudgins Street in Logan, Logan County; no capital expenditure.

February 9, 2015 – Nella's Inc., Elkins, Randolph County, CON File #15-7-10392-X, to decrease the number of ICF beds from 102 to 100; no capital expenditure.

February 9, 2015 – Prestera Center for Mental Health Services, Inc., Huntington, Cabell County, CON File #15-2-10402-X, for the development of a Level II Substance Use Recovery Residential program to be located at 712 Main Street, Point Pleasant, Mason County; capital expenditure: $75,000.

February 9, 2015 – REM Community Options, LLC, Benwood, Marshall County, CON File #15-1/4-10393-X, to add the following I/DD waiver services; Facility-Based Day Habilitation in Raleigh and Fayette counties; no capital expenditure.

February 9, 2015 – Starlight Behavioral Health Services, Huntington, Cabell County, CON File #15-3-10394-X, for the complete relocation of its Putnam County office from 100 Erskine Lane, Suite C, Scott Depot to 3752 Teays Valley Road, Hurricane, Putnam County; capital expenditure: $6,000.

February 9, 2015 – Warrior Caregiving, LLC, Logan, Logan County, CON File #15-2/3-10389-X, for the provision of nonmedical home care services to veterans and their families in Logan, Boone, Mingo, Wyoming, and Lincoln counties who are eligible for in-home care through the Veterans Administration programs; no capital expenditure.

CERTIFICATE OF NEED APPROVALS ISSUED

February 9, 2015 – Appalachian Regional Healthcare, Inc., Lexington, Kentucky, CON File #14-1-10145-P, for the development of sleep medicine services, Beckley ARH Sleep Lab, at 725 Ritter Drive, Beaver, Raleigh County; capital expenditure: $13,919.

February 10, 2015 – MGH Surgery LLC, Morgantown, Monongalia County, CON File #14-6-10327-P, for the development of an ambulatory surgery center on the Monongalia General Hospital (MGH) campus located in Morgantown, Monongalia County. MGH will move a portion of its outpatient surgery services by relocating four (4) operating rooms from the main hospital building to a medical office building located on the hospital campus; capital expenditure: $8,500,000.

EXTENSION GRANTED

February 9, 2015 – Cabell Huntington Hospital, Inc., Huntington, Cabell County, CON File #13-2-10038-H, for the construction of a vault and the replacement of its linear accelerator; capital expenditure: $5,568,240.

Extension granted through August 24, 2015.

NOTICES OF SUBSTANTIAL COMPLIANCE AND DECISIONS ON SUBSTANTIAL CHANGE

The following projects have been implemented in substantial compliance with the decisions issued in these matters and the case files are now closed:

February 9, 2015 – Acuity Specialty Hospital – Ohio Valley, LP, Steubenville, Ohio, CON File #13-10-10000-H, for the development of a 13 bed Long-Term Acute Care Hospital on the campus of Wheeling Hospital; new capital expenditure: $1,325,000.

February 9, 2015 – Acuity Specialty Hospital – Ohio Valley, LP, Steubenville, Ohio, CON File #13-11-10001-H, for the development of a 20 bed Long-Term Acute Care Hospital on the campus of Weirton Medical Center; new capital expenditure: $1,910,000.

The Authority determines that the increase in the project cost for the above referenced matters does not constitute a substantial change as define in W.Va. C.S.R. § 65-7-21.1(h).

NOTICES OF SUBSTANTIAL COMPLIANCE

The following projects have been implemented in substantial compliance with the decisions issued in these matters and the case files are now closed:

OTHER

February 9, 2015 – Lincoln Primary Care Center, Inc., Hamlin, Lincoln County, CON File #13-3-10087-P, for the development of Southern West Virginia Health System, an ambulatory care center located at 1563 Sand Plant Road, South Charleston, Kanawha County; capital expenditure: $3,478,347.

February 9, 2015 – Ohio Valley Medical Center, Wheeling, Ohio County, CON File #13-10-10072-X/P, for the development of an ambulatory health care center at 502 Cabela Drive in Triadelphia, Ohio County; capital expenditure: $52,955.07.

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