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

Health and Human Resources

Health Care Authority

Insurance Commission

Osteopathic Medicine, WV Bd. of

Physical Therapy

Real Estate Commission

CHRONOLOGICAL INDEX, VOLUME XXXIII ISSUE 11			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	§30-20-1 et. Seq.	Written Comments Only April 18, 2016, 2:00 pm WV Bd. Of Physical Therapy 101 Dee Drive Charleston, WV 25311

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
Accountancy (1-1)	Board Rules and Rules of Professional Conduct Legislative	6/15/2015	7/15/2015		7/24/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 148 HB 4081 BUNDLED SB 159		
Administration (148-1)	Purchasing Division Legislative	7/27/2015	8/26/2015	7/23/2015 Approved 7/31/2015	9/1/2015	Approved 11/19/2015	SB149 HB 4046 BUNDLED HB 4046		
Administrative Hearings (105-1)	Appeal Procedures Legislative	6/22/2015	7/22/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 150 HB 4082 BUNDLED		
Agriculture (61-23D)	Inspection of Nontraditional, Domesticated Animals Legislative	6/10/2015	7/17/2015	6/10/2015 Effective 7/22/2015	7/30/2015	Modified & Approved 10/22/2015 Filed 11/3/2015	SB 151 HB 4083 BUNDLED SB 159		
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative	6/30/2015	7/30/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 152 HB 4084 BUNDLED SB 159		
Agriculture (61-30)	Dangerous Wild Animal Rule-Repeal Legislative	1/11/2016	2/10/2016						
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2015	7/30/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 153 HB 4085 BUNDLED SB 159		
Agriculture (61-31)	Livestock Care Standards-Repeal Legislative	1/11/2016	2/10/2016						
Agriculture (61-34)	Captive Cervid Farming Legislative	4/28/2015	5/28/2015	4/28/2015 Approved 5/12/2015	7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 154 HB 4086 BUNDLED SB 159		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015	SB 172 HB 4049 BUNDLED HB 4053		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015	SB 173 HB 4050 BUNDLED HB 4053		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015	SB 174 HB 4051 BUNDLED HB 4053		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 10/22/2015	SB 175 HB 4052 BUNDLED HB 4053		
Air Quality (45-39)	Control of Annual Nitrogen Oxides Emissions - Repeal Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 11/19/2015	SB 176 HB 4053 BUNDLED HB 4053		
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 11/19/2015	SB 177 HB 4054 BUNDLED HB 4053		
Air Quality (45-41)	Control of Annual Sulfur Dioxide Emissions - Repeal Legislative	6/3/2015	7/6/2015		7/24/2015	Approved 11/19/2015	SB 178 HB 4055 BUNDLED HB 4053		
Alcohol Beverage Control Comm. (175-2)	Private Club Licensing Legislative	6/10/2015	7/11/2015		7/31/2015	Approved 10/22/2015	SB 155 HB 4047 BUNDLED SB 157		
Alcohol Beverage Control Comm. (175-10)	Distilleries and Mini-Distilleries Legislative	6/10/2015	7/11/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/4/2015	SB 156 HB 4087 BUNDLED SB 157		
Alcohol Beverage Control Comm – Beer (176-1)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/10/2015	7/11/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 11/4/2015	SB 157 HB 4088 BUNDLED SB 157		
Conservation Committee (63-2)	WV Conservation Agency Financial Assistance Program Legislative	4/29/2015	5/29/2015	4/29/2015 Approved 5/12/2015	6/5/2015	Modified & Approved 9/15/2015 Filed 9/16/2015	SB 158 HB 4089 BUNDLED SB 159		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-2)	Benefit Determination and Appeal Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 163 HB 4091 BUNDLED HB 4046		
Consolidated Public Retirement Board (162-3)	Teachers' Defined Contribution Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015	SB 164 HB 4092 BUNDLED HB 4046		
Consolidated Public Retirement Board (162-4)	Teachers Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015	SB 165 HB 4093 BUNDLED HB 4046		
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service,Loan and Correction of Error Interest Factors Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 9/15/2015 Filed 9/22/2015	SB 166 HB 4094 BUNDLED HB 4046		
Consolidated Public Retirement Board (162-8)	Service Credit for Accrued and Unussed Sick and Annual Leave Legislative	6/4/2015	7/6/2015		7/28/2015	Approved 9/15/2015	SB 167 HB 4048 BUNDLED HB 4046		
Consolidated Public Retirement Board (162-9)	West Virginia State Police Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 168 HB 4095 BUNDLED HB 4046		
Consolidated Public Retirement Board (162-10)	Deputy Sheriff Retirement System Legislative	6/4/2015	7/6/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 169 HB 4090 BUNDLED HB 4046		
Counseling (27-1)	Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015	SB 129 HB 4096 BUNDLED SB 159		
Counseling (27-3)	Licensed Professional Counselor License Renewal and Continuing Professional Education Requirements Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 9/16/2015 Filed 9/29/2015	SB 160 HB 4098 BUNDLED SB 159		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Counseling (27-5)	Disciplinary and Complaint Procedures for Counselors Procedural	6/17/2015	7/20/2015						
Counseling (27-8)	Marriage and Family Therapists Licensing Rule Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 10/22/2015 Filed 10/20/2015	SB 161 HB 4099 BUNDLED SB 159		
Counseling (27-10)	Marriage and Family License Renewal and Continuing Professional Education Legislative	6/15/2015	7/15/2015		7/28/2015	Modified & Approved 9/16/2015 Filed 9/29/2015	SB 162 HB 4097 BUNDLED SB 159		
Counseling (27-11)	Disciplinary and Complaint Procedures for Marriage and Family Therapists Procedural	6/17/2015	7/20/2015						
Counseling (27-12)	Contested Case Hearing Procedure for Marriage and Family Therapist Procedural	6/17/2015	7/20/2015						
Crime, Delinquency and Correction (GCCDC) (149-2)	Law Enforcement Training and Certification Standards Legislative	6/15/2015	7/22/2015		7/27/2015	Modified & Approved 10/22/2015 Filed 11/5/2015	SB 214 HB 4019 BUNDLED SB 159		
Dangerous Wild Animal Board (74-1)	Dangerous Wild Animals Legislative	1/11/2016	2/10/2016		2/11/2016				
Dentistry (5-11)	Continuing Education Requirements Legislative	5/13/2015	6/13/2015		7/23/2015	Modified & Approved 9/16/2015 Filed 9/23/2015	SB170 HB 4100 BUNDLED SB 159		
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	5/13/2015	6/13/2015		7/23/2015	Modified & Approved 9/16/2015 Filed 9/23/2015	SB171 HB 4101 BUNDLED SB 159		
Education (126-42)	Assuring the Quality of Education: Regulations for Education Programs (2510) Legislative Exempt	2/12/2016	3/14/2016						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-44AA)	WV College and Career-Readiness Standards for English Language Arts (2520.1A) Legislative Exempt	11/13/2015	12/14/2015					12/18/2015	7/1/2016
Education (126-44BB)	WV College and Career-Readiness Standards for Mathematics (2520.2B) Legislative Exempt	11/13/2015	12/14/2015					12/18/2015	7/1/2016
Education (126-44P)	Alternate Academic Achievement Standards for Science in WV Schools (2520.16) Legislative Exempt	8/13/2015	9/14/2015					10/15/2015	7/1/2016
Education (126-73)	School Calendar (3234) Legislative Exempt	12/18/2015	1/19/2016					2/12/2016	7/1/2016
Education (126-96)	High School Diploma for Veterans Legislative Exempt	1/14/2016	2/15/2016					3/10/2016	4/11/2016
Education (126-149)	Professional Development for WV Educators (5500) Legislative Exempt	12/18/2015	1/19/2016					2/12/2016	7/1/2016
Election Commission (146-3)	Regulation of Campaign Finance Legislative	5/20/2015	6/19/2015		7/31/2015	Modified w/certain amendments and approved 11/19/2015 Filed 11/30/2015 2nd Filed 12/22/2015	SB 207 HB 4140 BUNDLED SB 159		
Election Commission (146-5)	WV Supreme Court of Appeals Campaign Financing Program Legislative	5/20/2015	6/19/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 11/30/2015 2nd Filed 12/22/2015	SB 208 HB 4105 BUNDLED SB 159		
Ethics Commission (158-21)	Public Use of Names or Likeness Legislative	5/12/2015	6/12/2015	5/12/2015 Effective 6/23/2015	6/30/2015	Approved w/certain amendments 11/19/2015	SB 210 HB 4143 BUNDLED HB 4046		
Fire Commission (87-1)	Fire Code Legislative	5/1/2015	5/29/2015 Written Comments 6/1/2015		6/29/2015	Approved 11/19/2015	SB 211 HB 4060 BUNDLED HB 4060		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-4)	State Building Code Legislative	5/1/2015	6/1/2015		6/29/2015	Modified & Approved 11/19/2015 Filed 12/10/2015	SB 212 HB 4107 BUNDLED HB 4060		
Fire Commission (87-7)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Officials, Inspectors and Plans Examiners Legislative	5/1/2015	6/1/2015		6/29/2015	Modified & Approved 11/19/2015 Filed 12/10/2015	SB 213 HB 4108 BUNDLED HB 4060		
Health (64-48)	Emergency Medical Services Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015	SB 186 HB 4112 BUNDLED SB 195		
Health (64-51)	Fees for Service Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 10/22/2015	SB 187 HB 4061 BUNDLED SB 195		
Health (64-56)	Infectious Medical Waste Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 9/16/2015 Filed 9/23/2015	SB 188 HB 4113 BUNDLED SB 195		
Health (64-64)	Aids-Related Medical Testing and Confidentiality Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015	SB 189 HB 4062 BUNDLED SB 195		
Health (64-76)	Tuberculosis Testing, Control, Treatment and Commitment Legislative	6/25/2015	7/25/2015		7/27/2015	Approved 9/16/2015	SB 190 HB 4063 BUNDLED SB 195		
Health (64-102)	Farmers Market Vendors Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 10/22/2015 Filed 10/23/2015	SB 191 HB 4110 BUNDLED SB 195		
Health (64-104)	Certification of Opioid Overdose Prevention and Treatment Training Programs Legislative	6/25/2015	7/25/2015		7/27/2015	Modified & Approved 9/16/2015 Filed 9/23/2015	SB 192 HB 4111 BUNDLED SB 195		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health & Human Resources (69-8)	Chronic Pain Management Clinic Licensure Legislative	6/26/2015	7/26/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015	SB 193 HB 4115 BUNDLED SB 195		
Health & Human Resources (69-9)	Neonatal Abstinence Centers Legislative	6/25/2015	7/25/2015	6/25/2015 Approved 7/29/2015 Amendment 12/8/2015 Approved 12/15/2015	7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015	SB 194 HB 4116 BUNDLED SB 195		
Health & Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	6/26/2015	7/26/2015	6/26/2014 Amendment 7/17/2015 Approved 7/29/2015 Amendment 10/23/2015 ERD by 12/4/2015	7/31/2015	Modified & Approved 10/22/2015 Filed 10/23/2015	SB 195 HB 4114 BUNDLED SB 195		
Higher Education Policy Comm. (133-19)	Guidelines for the Offering of Early Enrollment Courses for High School Students Procedural	11/24/2015	12/24/2015						
Higher Education Policy Comm. (133-26)	Underwood-Smith Teacher Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015	HB 4617		
Higher Education Policy Comm. (133-58)	Nursing Scholarship Program Legislative	6/4/2015	7/4/2015			Approved 10/28/2015	HB 4617		
Highways (157-11)	State Transportation Infrastructure Fund Program Legislative	6/29/2015	7/29/2015		7/31/2015	Modified & Approved 9/15/2015 Filed 9/30/2015	SB 215 HB 4121		
Human Rights Commission (77-10)	Pregnant Workers' Fairness Act Legislative	6/29/2015	7/30/2015		7/31/2015	Modifed w/certain amendments & Approved 11/19/2015 Filed 12/8/2015	SB 216 HB 4140		
Human Services (78-1)	Child Care Center Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015	SB 196 HB 4064 BUNDLED SB 195		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Human Services (78-18)	Family Child Care Facility Licensing Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Approved 10/22/2015	SB 197 HB 4065 BUNDLED SB 195		
Human Services (78-19)	Family Child Care Home Registration Requirements Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 10/22/2015 Filed 10/28/2015	SB 198 HB 4117 BUNDLED SB 195		
Human Services (78-23)	W. Va. Works Program Sanctions Legislative	6/25/2015	7/25/2015	6/25/2015 Amendment 7/31/2015 Approved 9/4/2015	7/31/2015	Modified & Approved 10/22/2015 Filed 11/13/2015	SB 199 HB 4118 BUNDLED SB 195		
Human Services (78-24)	Qualifications for a Restricted Provisional License to Practice as a Social Worker Within the Dept. of Health & Human Resources Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/8/2015	SB 200 HB 4119 BUNDLED SB 195		
Human Services (78-25)	Goals for Foster Children Legislative	6/26/2015	7/26/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/22/2015	SB 201 HB 4120 BUNDLED SB 195		
Labor (42-5)	Wage Payment and Collection Legislative	6/25/2015	7/25/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/9/2015	SB 217 HB 4126 BUNDLED SB 202		
Labor (42-8)	Minimum Wages and Maximum Hours Standards Regulations Legislative	6/26/2015	7/27/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 12/9/2015	SB 218 HB 4124		
Labor (42-21)	Elevator Safety Act Legislative	6/26/2015	7/27/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 11/17/2015	SB 219 HB 4122 BUNDLED SB 202		
Labor (42-21A)	Licensing of Elevator Mechanics and Technicians and Registration of Apprentices Legislative	6/26/2015	7/27/2015		7/31/2015	Approved 11/19/2015	SB 220 HB 4066 BUNDLED SB 202		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Livestock Care Standards Bd (73-1)	Livestock Care Standards Legislative	1/11/2016	2/10/2016		2/11/2016				
Lottery (179-5)	Limited Video Lottery Legislative (Called up by the 2016 Legislature)						SB 157		
Medical Imaging & Radiation Therapy Tech. Bd. of Exam. (18-1)	Rules of the WV Medical Imaging & Radiation Therapy Tech Bd of Exam Legislative	3/6/2015	5/1/2015		6/8/2015	Approved 10/22/2015	SB 221 HB 4067 BUNDLED SB 159		
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/12/2015	7/13/2015	6/12/2015 Approved 6/30/2015	7/27/2015	Modified & Approved 10/22/2015 Filed 10/23/2015	SB 223 HB 4125 BUNDLED SB 159		
Miners' Health, Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/26/2015	7/27/2015	6/26/2015 Effective 8/7/2015	7/30/2015	Approved 10/22/2015	SB 224 HB 4068 BUNDLED SB 202		
Mining and Reclamation (38-2)	WV Surface Mining Reclamation Legislative	6/23/2015	7/24/2015		7/27/2015	Approved 11/19/2015	SB 182 HB 4056 BUNDLED HB 4053		
Natural Resources (58-47)	Prohibition When Hunting and Trapping Legislative	6/23/2015	7/22/2015		7/30/2015	Modified & Approved 9/15/2015 Filed 10/8/2015	SB 202 HB 4126 BUNDLED SB 202		
Natural Resources (58-49)	General Hunting Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015	SB 203 HB 4069 BUNDLED SB 202		
Natural Resources (58-50)	Deer Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015	SB 204 HB 4070 BUNDLED SB 202		
Natural Resources (58-52)	Wild Boar Hunting Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Approved 9/15/2015	SB 205 HB 4071 BUNDLED SB 202		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-74)	Elk Restoration and Management Rule Legislative	6/23/2015	7/22/2015		7/30/2015	Modified & Approved 10/22/2015 Filed 10/29/2015	SB 206 HB 4127 BUNDLED SB 202		
Nursing Home Administrators Licensing Bd. (21-1)	Nursing Home Administrators Legislative	6/9/2015	7/10/2015		7/17/2015	Modified & Approved 10/22/2015 Filed 11/2/2015	SB 225 HB 4028 BUNDLED SB 159		
Oil and Gas (35-8)	Horizontal Well Development Legislative	7/24/2015	Hearing 7/23/2015 Written 7/27/2015		7/31/2015	Modified & Approved 11/19/2015 Filed 11/23/2015	SB 179 HB 4102 BUNDLED HB 4053		
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel Legislative	5/19/2015	6/30/2015		7/21/2015	Approved 11/19/2015	SB 226 HB 4072 BUNDLED HB 4046		
Pharmacy (15-1)	Licensure and Practice of Pharmacy Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015 Filed 12/17/2015	SB 227 HB 4129 BUNDLED SB 159		
Pharmacy (15-2)	Rules of the Bd. Of Pharmacy for the Uniform Controlled Substances Act Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 11/19/2015 Filed 12/17/2015	SB 228 HB 4130 BUNDLED SB 159		
Pharmacy (15-4)	Record Keeping and Automated Data Processing Systems Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015 Filed 12/17/2015	SB 229 HB 4131 BUNDLED SB 159		
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors, Third-Party Logistics Providers and Manufacturers Legislative	5/22/2015	6/24/2015		7/16/2015	Modified & Approved 10/22/2015 Filed 12/17/2015	SB 230 HB 4132 BUNDLED SB 159		
Physical Therapy (16-4)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	3/16/2016	4/18/2016						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Professional Engineers (7-1)	Examination, Licensure and Practice of Professional Engineers Legislative	4/3/2015	5/4/2015	4/3/2015 Withdrawn 5/11/2015 5/11/2015 Approved 6/2/2015	5/11/2015	Modified & Approved 9/16/2015 Filed 9/22/2015	SB 206 HB 4106 BUNDLED SB 159		
Property Valuation Training & Procedures Commission (189-5)	Tax Map Sales Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 10/22/2015 Filed 10/27/2015	SB 231 HB 4133 BUNDLED SB 159		
Public Transit (225-1)	Rail Fixed Guideway Systems State Safety Oversight Legislative	7/1/2015	7/30/2015		7/31/2015	Modified & Approved 9/15/2015 Filed 9/30/2015	SB 243 HB 4138 BUNDLED SB 150		
Racing Commission (178-1)	Thoroughbred Racing Legislative	6/11/2015	7/13/2015		7/22/2015	Approved 11/19/2015	SB 232 HB 4073 BUNDLED SB 157		
Racing Commission (178-5)	Pari-Mutuel Wagering Legislative	6/11/2015	7/13/2015		7/22/2015	Approved 11/19/2015	SB 233 HB 4074 BUNDLED SB 157		
Secretary of State (153-3)	(Repeal of) Registration Forms and Receipts Legislative	5/27/2015	6/30/2015		6/30/2015	Approved 11/19/2015	SB 235 HB 4076 BUNDLED SB 159		
Secretary of State (153-9)	(Repeal of) Elimination of Precinct Registration Books Legislative	5/27/2015	6/30/2015		7/1/2015	Approved 11/19/2015	SB 236 HB 4077 BUNDLED SB 159		
Secretary of State (153-23)	(Repeal of) Absentee Voting by Military Voters Who Are Members of Reserve Units Called to Active Duty Legislative	5/27/2015	6/30/2015		6/30/2015	Approved 11/19/2015	SB 237 HB 4075 BUNDLED SB 159		
Secretary of State (153-52)	Freedom of Information Act Database Legislative	5/18/2015	6/19/2015	7/1/2015 Effective 8/12/2015	6/30/2015	Modified & Approved 11/19/2015 Filed 11/30/2015 2nd Filed 12/22/2015	SB 238 HB 4134 BUNDLED SB 159		

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Senior Services (76-3)	WV State Plan on Aging-Title V Interpretive	3/1/2016	3/31/2016						
Social Work, WV Bd of (25-1)	Qualifications for the Profession of Social Work Legislative	6/9/2015	7/10/2015	5/26/2015 Approved 6/9/2015	7/21/2015	Modified & Approved 11/19/2015 Filed 12/4/2015	SB 234 HB 4135 BUNDLED SB 159		
Speech-Language Pathology & Audiology (29-1)	Licensure of Speech-Pathology and Audiology Legislative	4/22/2015	6/5/2015		6/8/2015	Modified & Approved 11/19/2015	SB 239 HB 4136 BUNDLED SB 159		
Speech-Language Pathology & Audiology (29-2)	Rule Governing Speech-Language Pathology and Audiology Assistants Legislative	4/22/2015	6/5/2015		6/8/2015	Modified w/certain amendments & Approved 11/19/2015	SB 240 HB 4142 BUNDLED SB 159		
Tax Department (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/11/2015	7/13/2015		7/29/2015	Modified & Approved 9/16/2015 Filed 9/18/2015	SB 241 HB 4137 BUNDLED SB 157		
Tax Department (110-14C)	Motor Fuel Excise Tax Interpretive	11/5/2015	12/4/2015						
Tax Department (110-50H)	Exchange of Info Agreement Between the Comm of the Tax Div of the Dept of Rev and the Sec of the Dept of Commerce, the Sec of the Dept of Environmental Protection, the Dir of the Div of Forestry of the Dept of Commerce and the Comm of the PSC Legislative	6/11/2015	7/13/2015		7/29/2015	Approved 9/16/2015	SB 242 HB 4078 BUNDLED SB 157		
Tourism (144-1)	Direct Advertising Grants Program (Called up by the 2016 Legislature) Legislative						BUNDLED SB 202		
Veterans' Assistance (86-2)	State Home for Veterans-Fiscal Legislative	5/29/2014	6/28/2014	5/28/2014 Approved 6/2/2014 Expired 9/2/2015	8/1/2014	Approved 9/16/2015	SB 244 HB 4079 BUNDLED SB 4080		
Veterans' Assistance (86-4)	VA Headstones or Markers Legislative	5/28/2014	6/28/2014		8/1/2014	Approved 9/16/2015	SB 245 HB 4080 BUNDLED SB 4080		

RULE MONITOR									
AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-4)	Standards of Practice Legislative	3/10/2016	4/11/2016						
Water Resources, Div. of Water & Waste Mgmt. (47-2)	Requirements Governing Water Quality Standards Legislative	6/15/2015	Hearing 7/21/2015 Written Comments 7/31/2015	6/29/2015 Effective 8/10/2015 Amendment 9/21/2015 Approved 10/22/2015	7/31/2015	Modified & Approved 11/19/2015 Filed 11/24/2015	SB 180 HB 4103 BUNDLED HB 4053		
Water Resources, Div. of Water & Waste Mgmt. (47-30B)	Administrative Proceedings and Civil Penalty Assessment Legislative	6/23/2015	7/24/2015		7/27/2015	Approved 11/19/2015	SB 183 HB 4057 BUNDLED HB 4053		
Water Resources, Div. of Water & Waste Mgmt. (47-63)	Aboveground Storage Tanks Legislative	6/25/2015	7/30/2015		7/31/2015	Modified & Approved 11/19/2015	SB 181 HB 4104 BUNDLED HB 4053		
Water Resources, Div. of Water & Waste Mgmt. (47-64)	Aboveground Storage Tank Administrative Proceedings and Civil Penalty Assessment Legislative	6/25/2015	7/30/2015		7/31/2015	Approved 11/19/2015	SB 184 HB 4058 BUNDLED HB 4053		
Water Resources, Div. of Water & Waste Mgmt. (47-65)	Aboveground Storage Tank Fee Assessments Legislative	6/25/2015	7/30/2015		7/31/2015	Approved 1/26/2016	SB 185 HB 4059 BUNDLED HB 4053		
WorkForce West Virginia (96-4)	WV Prevailing Wage Act Legislative	9/22/2015	10/22/2015	8/28/2015 ERD by 10/9/2015	11/6/2015	Modified & Approved 11/19/2015 Filed 12/4/2015	SB 222 HB 4140 BUNDLED SB 202		

WEST VIRGINIA SECRETARY OF STATE

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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3/16/2016 2:53:45 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 **Physical Therapy**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **16-04**
RULE NAME **Fees for Physical Therapist and Physical Therapist Assistant**

CITE AUTHORITY **§30-20-1, et. seq.**

COMMENTS LIMITED TO
Written

DATE OF PUBLIC HEARING

LOCATION OF PUBLIC HEARING

DATE WRITTEN COMMENT PERIOD ENDS
Monday, April 18, 2016 2:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
WV Board of Physical Therapy
101 Dee Drive
Charleston, WV 25311

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

Yes
Nonnie S Ramsey -- 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: 16-04 Rule Id: 10093 Document: 27453

Orders Report

Docket Number	Agency	Respondent	Date Rendered
16-3-10732-X	Health Care Authority	Stonerise at Home Holdings LLC	3/9/2016
16-3-10732-X	Health Care Authority	Stonerise Home Health Services LLC	3/9/2016
16-AP-FINCON-02001	Insurance Commission	First Surety Corporation	3/14/2016
15-AP-PRLC-02052	Insurance Commission	Michael Rainey	3/11/2016
2015-05, 2015-18	Osteopathic Medicine, WV Board of	J. Derek Hollingsworth, D.O.	3/11/2016
P-16-009	Real Estate Commission, West Virginia	Jonathon Craig Allison	3/9/2016

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
2016 MAR 16 A 10:09
OFFICE WEST VIRGINIA
SECRETARY OF STATE

TO: Interested Parties

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

DATE: March 16, 2016

RE: City of Weirton - Water Line Upgrade Project
Environmental Review – Finding of No Significant Impact (FONSI)
WVIJDC Project #: **2015W-1580**
SRF Project #: **16DWTRFA009**
Brooke and Hancock Counties

Please find attached the City of Weirton's Water Line Upgrade Project's Finding of No Significant Impact (FONSI).

The review process indicated no significant environmental impacts would result from the proposed action. Consequently, a preliminary decision has been made not to prepare an Environmental Impact Statement.

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 Stephanie D. Hickerson, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to our office at (304) 558-0691.

After evaluating all 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:sdh

Attachment

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

OTHER

FINDINGS OF NO SIGNIFICANT IMPACT

March 16, 2016

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:

Weirton Area Water Board
125 E Belleview Dr.
Weirton, WV 26062-3647
WVIJDC Project #: **2015W-1580**
SRF Project #: **16DWTRFA009**
Water Line Upgrade Project

(Official Project Name and Number)

WEIRTON AREA WATER BOARD
125 E Belleview Dr.
Weirton, WV 26062-3647

(Project Applicant)

Weirton
Brooke and Hancock Counties, West Virginia

(Project Location, City, County, State)

$ 4,000,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 6,900,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
City of Weirton Water Line Upgrade Project
Project #: **2015W-1580 / 16DWTRFA009**

I. PROJECT DESCRIPTION:

A. PROJECT SUMMARY

The City of Weirton (City) is located in Brooke and Hancock Counties, West Virginia. The Weirton Area Water Board owns and operates a water treatment plant and water storage/distribution system to provide water service to approximately 9,484 residential, commercial, and industrial customers in and around the city. In May 2012, an emergency waterline extension at the Water Treatment Plant (WTP) was completed due to a water main break. The emergency extension included approximately 425 linear feet of 18" waterline in the existing building and in the WTP yard piping. This 18" line provides redundancy at the plant to avoid complete failure if another main break were to occur. The 18" waterline installed in May 2012 extends from the WTP to the 24" transmission main beyond the WTP property. The other existing 18" line is approximately twelve (12) feet deep. Since then, Aqua Tech completed a leak detection survey on the existing 18" steel line from the Water Plant to Cove Road. All contact points were sounded except the valve behind the old motel. There was usage heard on the Ball Company and the concrete plant valves.

The Weirton Water Board (Board) proposes to shallow and replace the existing 18" line within the WTP limits. The line is roughly twelve (12) feet deep and cannot be repaired easily. Replacing and shallowing the line will ease maintenance or repairs for the WTP staff. The Board also proposes to make interconnections between the various service lines that come into the 18" steel wound pipe and the 24" transmission main. The 18" steel wound pipe was installed in the 1960s and is deteriorating. Customers would lose service if the 18" line were shut down. Currently all of the service lines come into the 18" line and there is no way to service them off of the 24" line. These lines will be tied into the 24" transmission between the WTP limits and Cove Road. The sixteen (16) fire hydrants would also need to be interconnected to the 24" line to keep fire flow in service. A third part of the project would be to make three interconnections between the 18" line and the 24" line from the WTP and Cove Road. This will make it easier to isolate part of either line for repairs. These interconnections will allow the maintenance crew to make repairs and keep their customers in service.

An additive alternate of this project is to install a lining in the existing 18" steel wound pipe from the WTP to Cove Road. The 18" steel wound pipe was installed in the 1960s. The pipe is deteriorating and needs to be lined. Lining the 18" steel wound pipe will significantly extend the pipe's useful life, lower the amount of repairs and maintenance needed, prevent a large failure in the future, and improve the reliability of the distribution system.

OTHER

All of the work for this project will take place at the City of Weirton's Water Treatment Plant and along Freedom Way.

B. ENVIRONMENTAL

Water quality will be improved by the proposed project as the 18" water pipe along Freedom Way is lined or replaced, the 18" line at the WTP is replaced, and interconnections are made. This gives the WTP flexibility for repairs and makes the water system more reliable. Rainfall and storm water runoff would not be affected by the water treatment plant upgrade. All site construction will be controlled by proper sediment and erosion control measures and approved by a WV NPDES Storm Water Management Permit.

Environmental correspondence was established between West Virginia Division of Culture and History, United States Fish and Wildlife Service, National Resource Conservation Service, Division of Natural Resources, and the Department of Environmental Protection. Each agency has either issued approval and/or issued a finding of no effect determination.

C. PLANNING

The population of Brooke County has decreased 22.65% between 1980 and 2010. Similarly, the population in the City of Weirton has decreased by 10.75% from 1990 to 2010. Demographic information for Brooke County and Weirton City, provided by the United States Census Bureau, is as follows:

	Brooke County Population	Weirton City Population
1980 Census	31,117	
1990 Census	26,992	22,124
2000 Census	25,447	20,411
2010 Census	24,069	19,746

These trends suggest that a population decrease is expected over the next twenty years.

The number of gallons of water sold by the Weirton Area Water Board over the last several years can be seen in the table below:

Year	Thousands of Gallons Sold
2006	591,185
2007	573,376
2008	557,539
2009	526,165
2010	521,227
2011	520,482
2012	495,839
2013	493,142
2014	484,059

On July 1, 2004 Weirton began selling water to Brooke County Public Service District at a rate of approximately 3,849,000 gallons per year which is a 0.6% increase over what would normally have been sold. Therefore, even though the population and sales trends indicate a decrease, a conservative 5% growth rate over the next twenty years will be used in the design approach for this report.

II. PURPOSE AND NEED:

An additional 18" line was installed in May 2012 to allow for redundancy. Having redundancy allows for flexibility if a failure occurs. The problem with the current system is that the existing 18" line leaving the WTP is old and twelve (12) feet deep. This makes maintenance or repair very difficult.

The second aspect to the project is keeping the individual side lines in service if the 18" line is shut down. To accomplish this, the Water Board proposes (3) three steps of improvements. First, the service lines, currently tied into the 18" line, would need to be interconnected to the 24" line. If the 18" line were to go out of service the customers would be without water. Secondly, the 18" and 24" lines would be interconnected in three (3) locations between the WTP and Cove Road. The 18" and 24" lines are only interconnected in one location and this does not leave the WTP with much flexibility for repairs. If a line were to have a blowout or need maintenance it would be difficult to quickly isolate the location, while keeping the customers in service. Lastly, the fire hydrants would need to be interconnected to the 24" line if the 18" line were to go out of service. Some of the hydrants would be directly tied in, others would need to be relocated for tie-in, and a couple would just be tied directly into the service lines.

The final aspect of this project is to line the 18" steel wound pipe from the WTP to Cove Road. This pipe was installed in the 1960s and was surplus pipe from a local steel company. The condition of this line is deteriorating and it needs to be lined before a major failure occurs at some point in the future.

Reducing the number of leaks and improving the ability to isolate sections of waterline will reduces the risk of contamination from ground water and other substances entering the water system through leaks or breaks. This further enables the residents to have a clean and reliable source of water.

OTHER

III. ENVIRONMENTAL CONSEQUENCES IF PROJECT IS NOT BUILT:

The project area is in need of system repairs and upgrades to address the degradation of the existing water line and negate the potential for failure of the existing system. Without the upgrades, there is a potential for system failure that would result in customers losing service. The existing 18" line will continue to degrade, raising the potential for failure within the system as the line nears the end of its useful life. Any damage to the existing 18" line would be difficult to repair resulting in higher repair costs and longer time for customers to be without service.

IV. COMPARISON OF ALTERNATIVES:

A. ALTERNATIVE #1 "REPLACEMENT OF WATERLINE AT WATER PLANT, CONNECTIONS OF SERVICE LINES AND FIRE HYDRANTS TO THE 24" LINE, AND INTERCONNECTIONS BETWEEN THE 24" AND 18" LINES"

This alternative involves a single phase of improvements to the existing water distribution system to allow for flexibility for repairs. The project will consist of removing and replacing approximately 25 linear feet of 18" line outside the WTP, installing and shallowing another 425 linear feet of 18" line, reconnecting the line at the edge of the WTP property, replacing 18" distribution line and fittings in the WTP building, replacing the existing flow tube on the 18" distribution line with a mag meter, interconnecting the existing 18" steel wound pipe and the 24" transmission main in three (3) locations between the WTP property and Cove Road, and connecting 15 different service lines to the 24" transmission main between the WTP and Cove Road. Replacing and shallowing the 18" distribution line at the WTP will make repairs easier. This also gives the WTP two reliable lines for distribution to their customers. The interconnections between the 18" and 24" lines would allow the Water Board to isolate sections of line for repair while keeping the customers in service. Connecting the individual service lines to the 24" line would keep them in service if the 18" line needs to be shut down for repair.

B. ALTERNATIVE #2 "REPLACEMENT OF WATERLINE AT WATER PLANT, CONNECTIONS OF SERVICE LINES AND FIRE HYDRANTS TO THE 24" LINE, INTERCONNECTIONS BETWEEN THE 24" AND 18" LINES, AND REPLACING THE 18" LINE"

This alternative includes all of the improvements in Alternative #1 as well as decommissioning the existing 18" steel wound pipe from the edge of the WTP property to Cove Road along Freedom Way and installing new 18" ductile iron pipe along Harmon Creek. Replacing the deteriorating 18" steel wound pipe with new pipe will alleviate the WTP from issues of leaks and

line breaks due to aging infrastructure.

C. ALTERNATIVE #3 "REPLACEMENT OF WATERLINE AT WATER PLANT, CONNECTIONS OF SERVICE LINES AND FIRE HYDRANTS TO THE 24" LINE, INTERCONNECTIONS BETWEEN THE 24" AND 18" LINES, AND LINING THE 18" LINE"

This alternative includes all of the improvements in Alternative #1 as well as lining the entire existing 18" steel wound pipe from the edge of the WTP property to Cove Road along Freedom Way. This alternative improves flexibility, the quality and reliability of the service provided by the WTP, and extends the life of the existing 18" steel wound pipe that is lined. Lining the 18" steel wound pipe will increase the useful life without having to replace it.

D. ALTERNATIVE #4 "DO NOTHING"

The alternative to do nothing and not replace part of the existing 18" water line, interconnect the 18" water line and 24" transmission main, and line the existing 18" waterline is not being considered. This alternative would prevent the Water Board's ability to repair existing lines and would cause the Water Board to shut down the plant if a repair is needed. For this reason this alternative is not being considered.

SELECTED ALTERNATIVE

The City will pursue Alternative #3 to make the necessary improvements to the water system. The advantages of this alternative are:

- The first advantage of this alternative is the replacement of the 18" line at the Water Treatment Plant would be ease and reduce maintenance, as well as added reliable redundancy to the beginning of the distribution system.
- The second advantage of this alternative is flexibility in being able to serve all of the side lines through either the 18" or the 24" lines. This gives the WTP staff flexibility to repair breaks if needed, while keeping their customers in service.
- The third advantage of this alternative is having the ability to keep fire service available off of either the 18" or the 24" lines while maintenance is being performed.
- The fourth advantage of this alternative is taking the 18" steel wound pipe out of service. Lining the 18" steel wound pipe would prevent maintenance and improve the reliability of the system.

V. ENVIRONMENTAL CONSEQUENCES AND MITIGATION FOR THE SELECTED ALTERNATIVE:

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

OTHER

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the City of Weirton's Water Project, dated March 25, 2013, states..."A review of our records located one previously documented archaeological resource, site 46BR29, within the proposed project area. Site 46BR29 is a large multi-component prehistoric village site with prehistoric mounds. Prehistoric human remains have been recovered from this site. We have concerns that there may be unrecorded archaeological deposits associated with sire 46BR29 in the area where line installation work will occur in the water treatment plant property. We, therefore, request that a qualified archaeologist monitor all ground disturbing activities associated with the line installation work occurring at the water treatment plant. We ask that the archaeologist be afforded enough time to adequately document any recovered archeological materials and/or identified archaeological features. Please forward the results of the requested monitoring to our office for review. " (See attached documentation.) The City will hire a qualified archaeologist to monitor all ground disturbing activities associated with the line installation work occurring at the water treatment plant during construction.

2. **National Historic Preservation Act of 1966** – Reference item #1.

3. **Air Quality / Clean Air Act, Pub. L. 84-159** – During construction, there will be minor emissions from vehicles and other construction equipment as well as the creation of dust typically associated with this type of project. However, these are of a temporary nature and are not normally considered to create adverse air quality issues. When the system is operational, there will be no emissions, dust or odors produced by the project facilities.

   The adverse air quality effects are restrictive in nature, requiring the construction contractor to take certain measures to mitigate the dust and emissions resulting from construction activities. When properly applied, these measures will be effective in mitigating the air quality conditions created by the project. The contractor must follow all requirements of the Temporary Controls specification that is included in the contract documents.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service – dated March 7, 2013 – states that "we have made a "no effect" determination that the project will not affect federally-listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the ESA is required with the service." A letter from WV Division of Natural Resources – dated January 25, 2016 – gives license and right of entry at three separate locations along Kings Creek, Knoxville District in Brooke County. (See attached documentation.)

5. **Protection of Wetlands** – Comments were solicited from the **West Virginia Division of Natural Resources - Wildlife Resources Section**, the **U. S. Fish and Wildlife Service** and the **U. S. Army Corps of Engineers** regarding the location of any wetlands within the project area which might be affected by the construction of the proposed project. A review of the National Wetland Inventory mapping indicates no wetlands exist within the proposed project area. The proposed project will have no impact on wetlands and no mitigation will be required. The construction of any creek crossings will be accomplished under the conditions set forth in Nationwide Permit 12.

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 documentation.)

8. **Farmland Protection Policy** – Correspondence from the Natural Resources Conservation Service dated April 16, 2013, states that this project area does not impact any prime or other important farmland and is not subject to FPPA requirements and does not require completion of an AD-1006. (See attached documentation)

9. **Flood Plain Management** – The proposed project will have no direct impact to the 100-year or 500-year floodplains or floodways. The proposed water mains will be installed below ground and the area disturbed for the installation will be restored to match the existing contours. No mitigation will be required for the floodplains.

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved May 7, 2015) and was granted a Health Department permit to construct February 16, 2016 (#19,726).

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. The Environmental Justice and Civil Rights Impact Analysis notes this project has no impact on environmental justice. As certified by the project administrator's completed form dated March 2, 2016.

12. **Climate Change/Energy Efficiency** – A greenhouse gases evaluation was conducted for this project. This evaluation concluded that there is the potential for a reduction of CO_2 released as a result of the proposed waterline improvements and pipelining project. However, due to the fact that this plant operates 24 hours per day this reduction is expected to be negligible. An energy efficiency evaluation was not completed because this project does not include any energy consuming equipment. Copies of these evaluations are available in the project file.

VI. PUBLIC PARTICIPATION:

The City of Weirton has discussed this project multiple times during their City Council Meetings. Meeting Minutes for the following dates have been provided 8/24/15 and 9/8/15 and are available upon request.

OTHER

VII. Exhibits:

Documents 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: Weirton Area Water Board **Phone:** 304-740-5020

Address: 125 E Belleview Dr., Weirton, WV 26062-3647
Public Water System: Weirton Area Water Board **County:** Brooke and Hancock Counties
Project: Water Line Upgrade 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		During Construction	WV Div. Cult/Hist
National Historic Preservation Act of 1966	X		X		X		During Construction	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	USACOE/Engineer
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR/WVBPH
Farmland Protection Policy		X	X			X	NA	NRCS, USDA Forest Service
Floodplain Management		X	X			X	NA	USACOE/Engineer
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	Region XI PDC, WVBPH
Lead Paint Abatement on Water Tanks								NA

Prepared By: Stephanie D. Hickerson, P.E. **Title:** Engineer
Signature: Stephanie Hickerson **Date:** March 16, 2016 **Telephone:** 304-356-4292
Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

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

FILED
2016 MAR 15 P 3:21
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

March 14, 2016

LEGAL NOTICE

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **March 11, 2016**.

AMENDED LETTER OF INTENT RECEIVED

March 7, 2016 – Wheeling Hospital, Wheeling, Ohio County, CON File #15-10-10573-NH, to relocate and replace Bishop Joseph H. Hodges Continuous Care Center nursing home.

The amendment is the capital expenditure from $22,000,000 to $33,710,000.

LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED

February 29, 2016 – Mountaineer Behavioral Health PLLC, Martinsburg, Berkeley County, CON File #16-9-10756-BH, to develop an outpatient facility for Behavioral Health Services in Martinsburg, Berkeley County, to primarily address substance abuse treatment of clients in an outpatient setting; no capital expenditure.

REQUEST FOR EXEMPTION RECEIVED

March 8, 2016 – Valley Health, Huntington, Cabell County, CON File #16-2-10757-X, for the provision of primary healthcare services in a rented facility of Fruth Pharmacy, housed within the grocery store Tower Foodfair, located at 6350 Route 60 East, Barboursville, Cabell County. Professional staff would include one FTE midlevel provider.

The capital expenditure associated with the project is $100,000.

Any affected person may oppose this proposal by submitting a letter stating the reason for opposition within thirty (30) days of the first date of publication of the public notice to: Marianne Kapinos, General Counsel, West Virginia Health Care Authority, Certificate of Need Program, 100 Dee Drive, Charleston, West Virginia 25311-1600.

The last date upon which an affected party may file a letter of opposition to this proposal is April 15, 2015.

EXEMPTION FROM CERTIFICATE OF NEED REVIEW ISSUED

March 9, 2016 – Stonerise at Home Holdings LLC (Holdings) and Stonerise Home Health Services LLC (SHHS), Charleston, Kanawha County, CON File #16-3-10732-X, for: (1) the acquisition of SHHS by Holdings; and (2) the acquisition of the home health agency operated by Thomas Memorial Hospital by SHHS. SHHS will continue to offer home health services in Cabell, Clay, Kanawha, Putnam and Wayne counties and will add the offering of home health services in Lincoln, Boone, Jackson, Roane, Nicholas, Fayette and Logan counties following the acquisition.; capital expenditure: $1,560,000.

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