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Public Health, Bureau for

Public Service Commission

Secretary of State

CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 2			
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

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	8	HEARING AID DEALERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
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	31	DIETITIANS
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
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TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
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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	164	SCHOOL BUILDING AUTHORITY
TITLE	172	STATE RAIL AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION – BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY
TITLE	184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE	191	FAMILY PROTECTION SERVICES BOARD
TITLE	194	MASSAGE THERAPY LICENSURE BOARD
TITLE	199	EXPLOSIVES & BLASTING
TITLE	204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-01)	Purchasing Division Legislative	6/11/2018	7/11/2018		7/18/2018	Approved 11/12/2018			
Administration (148-03)	State Owned Vehicles Legislative	6/12/2018	7/12/2018	6/8/2018 Effective July 20, 2018	7/20/2018	Modified & Approved 11/12/2018 Filed 11/14/2018			
Administration (148-19)	Leasing of Space and Acquisition of Real Property on Behalf of State Spending Units Legislative	6/11/2018	7/11/2018		7/19/2018	Modified & Approved 11/12/2018 Filed 11/14/2018			
Agriculture (61-01)	Animal Disease Control Legislative	6/26/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018			
Agriculture (61-29)	Industrial Hemp Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018			
Agriculture (61-33)	Rural Rehabilitation Loan Program Legislative	6/26/2018	7/26/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 12/4/2018			
Agriculture (61-34)	Captive Cervid Farming Legislative	6/27/2018	7/26/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/4/2018			
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	12/18/2017	1/18/2018	12/18/2017 Effective 1/29/2018	1/19/2018	Approved 11/12/2018			
Agriculture (61-37)	Agritourism Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018			
Agriculture (61-38)	Farmers Markets Legislative	6/27/2018	7/27/2018	7/30/2018 Effective 9/10/2018	7/27/2018	Modified & Approved 11/12/2018 Filed 11/26/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-39)	Seed Certification Program Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/11/2018			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-36)	(Repeal of) Requirements for Determining Conformity of Transportation Plans, Programs, and Projects Developed, Funded or Approved under Title 23 USC or the Federal Transit Laws, to Applicable Air Quality Implementation Plans (Transportation Conformity) Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-38)	(Repeal of) Provisions for Determination of Compliance with Air Quality Management Rules Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxides Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2018	7/10/2018		7/24/2018	Approved 9/20/2018			
Athletic Commission (177-01)	Administrative Rules of the WV State Athletic Commission Legislative	6/19/2018	7/19/2018		7/24/2018	Modified & Approved 11/27/2018 Filed 12/4/2018			
Comm. & Tech. College Education (135-15)	Acceptance of Advanced Placement Credit Legislative	8/20/2018	9/21/2018		9/26/2018	Authorized to Repeal 12/14/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Comm. & Tech. College Education (135-20)	Initial Authorization of Degree-Granting Institutions Legislative	10/16/2018	11/19/2018		11/20/2018	Approved 12/14/2018			
Comm. & Tech. College Education (135-21)	Freshman Assessment and Placement Standards Procedural	12/17/2018	1/20/2019						
Comm. & Tech. College Education (135-27)	Workforce Development Initiative Program Legislative	10/16/2018	11/19/2018		11/20/2018	Approved 12/14/2018			
Comm. & Tech. College Education (135-32)	Tuition and Fees Legislative	4/24/2018	5/25/2018		7/2/2018	Approved 12/14/2018			
Comm. & Tech. College Education (135-53)	Human Resources Administration Legislative	12/21/2018	1/25/2019						
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	6/22/2018	7/24/2018		7/24/2018	Modified & Approved 9/20/2018 Filed 9/20/2018			
Education (126-44H)	WV Driver Education Standards (2520.8) Legislative Exempt	8/10/2018	9/10/2018					10/11/2018	7/1/2019
Education (126-044M)	WV College-and Career-Readiness Programs of Study/Standards for Career Technical Education (2520.13) Legislative Exempt	11/15/2018	12/17/2018						
Education (126-044N)	WV College-and Career-Readiness Standards for Technology and Computer Science (2520.14)	11/15/2018	12/17/2018						
Education (126-44O)	WV Pre-K Standards (Ages 3-5) (2520.15) Legislative Exempt	8/10/2017	9/11/2017					10/12/2017	7/1/2019
Education (126-057)	Adult Education Programs (2420) Legislative Exempt	11/15/2018	12/17/2018						
Fire Commission (87-04)	State Building Code Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 11/12/2018			
Health (64-11)	Behavioral Health Centers Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-14)	Assisted Living Residences Legislative	6/21/2018	7/20/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018			
Health (64-17)	Food Establishments Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018			
Health (64-43)	Food Manufacturing Facilities Legislative	6/21/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/30/2018			
Health (64-91)	Newborn Screening System Legislative	6/21/2018	7/20/2018		7/26/2018	Approved 11/27/2018			
Health (64-109)	General Rules-Medical Cannabis Program Legislative			4/3/2018 Effective 4/3/2018					
Health (64-110)	Grower/Processors-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-111)	Laboratories-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-112)	Dispensaries-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health (64-113)	Safe Harbor Letter-Medical Cannabis Program Legislative			4/4/2018 Effective 4/4/2018					
Health and Human Resources (69-08)	Chronic Pain Management Clinic Licensure Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018			
Health an Human Resources (69-12)	Medication-Assisted Treatment – Office-Based Medication-Assisted Treatment Legislative	6/21/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/15/2018			
Health and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/21/2018	7/21/2018		7/27/2018	Approved 11/12/2018			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-06)	Cooperative Agreement Legislative	6/21/2018	7/21/2018		7/26/2018	Approved 11/12/2018			
Higher Education Policy Commission (133-05)	Guidelines for Governing Boards in Employing and Evaluating Presidents Legislative	6/26/2018	7/26/2018		8/28/2018	Approved 12/14/2018			
Higher Education Policy Commission (133-07)	WV Providing Real Opportunities for Maximizing In-State Student Excellence (PROMISE) Scholarship Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 6/26/2018	8/7/2018	Amended by LOCEA & Approved 12/14/2018			
Higher Education Policy Commission (133-15)	Acceptance of Advanced Placement Credit Legislative	12/21/2018	1/21/2019						
Higher Education Policy Commission (133-21)	Freshman Assessment and Placement Standards Procedural	11/16/2018	12/17/2018					12/19/2018	1/19/2019
Higher Education Policy Commission (133-41)	Health Sciences Service Program Procedural	11/16/2018	12/17/2018					12/19/2018	1/19/2019
Higher Education Policy Commission (133-53)	Human Resources Administration Legislative	12/21/2018	1/21/2019						
Highways (157-12)	Employment Procedures	7/18/2018	8/20/2018	7/19/2018 Effective 8/30/2018	8/30/2018	Approved 11/12/2018			
Labor (42-05)	Wage Payment and Collection Legislative	6/15/2018	7/16/2018		7/25/2018	Approved 9/20/2018			
Labor (42-09)	Child Labor Legislative	6/18/2018	7/19/2018		7/25/2018	Modified & Approved 9/20/2018 Filed 9/26/2018			
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/15/2018	7/16/2018	6/15/2018 Effective 7/27/2018	7/25/2018	Approved 9/20/2018			
Lottery Commission (179-09)	West Virginia Lottery Sports Wagering Rule Legislative	8/6/2018	9/7/2018	7/9/2018 Approved 8/6/2018	10/4/2018	Modified & Approved 11/27/2018 Filed 12/3/2018			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians; Podiatric Physicians and Surgeons Legislative	6/22/2018	7/23/2018		7/25/2018	Approved 9/20/2018			
Medicine (11-12)	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative	6/22/2018	7/23/2018	6/22/2018 Effective 8/3/2018 Amendment 7/25/2018 Withdrawn 8/7/2018 Amendment 8/7/2018 Effective 9/18/2018	7/25/2018	Approved 9/20/2018			
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	6/19/2018	7/19/2018	6/19/2018 Effective 7/31/2018	7/25/2018	Approved 11/27/2018			
Miners Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative	5/30/2018	6/29/2018	5/30/2018 Effective 7/11/2018	7/25/2018	Approved 11/27/2018			
Miners Health Safety and Training (56-23)	Rules for Operating Diesel Equipment in Underground Mines in West Virginia Legislative	5/30/2018	6/29/2018	5/29/2018 Effective 7/10/2018	7/25/2018	Approved 11/27/2018			
Natural Resources (58-12)	Commercial Whitewater Outfitters Legislative	6/26/2018	7/26/2018		7/27/2018	Modified & Approved 9/20/2018 Filed 10/1/2018			
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Program Permittings ATVs and ORVs Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018	Modified & Approved 9/20/2018 Filed 10/1/2018			
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	5/24/2018	6/25/2018		7/26/2018	Approved 9/20/2018			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/12/2018	7/16/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/21/2018	7/22/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/19/2018	7/20/2018		7/27/2018	Approved 9/20/2018			
Pharmacy (15-17)	Board of Pharmacy Rules for the Substitution of Biological Pharmaceuticals Legislative	6/19/2018	7/21/2018		7/27/2018	Modified & Approved 11/12/2018 Filed 11/16/2018			
Public Service Commission (150-1)	Rules of Practice and Procedure Legislative Exempt	5/10/2018	7/10/2018					1/9/2019	2/8/2019
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	5/10/2018	7/10/2018					1/9/2019	2/8/2019
Public Service Commission (150-33)	Rules Governing Electric Utility Net Metering Arrangements and Interconnections Legislative Exempt	9/6/2018	11/8/2018						
Racing Commission (178-01)	Throughbred Racing Legislative	6/13/2018	7/13/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/28/2018			
Real Estate Appraiser, Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 9/20/2018 Filed 10/3/2018			
Registered Professional Nurses (19-01)	Policies, Standards and Criteria for the Evaluation, Approval and Accreditation of Colleges, Departments or Schools of Nursing Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/27/2018 Filed 11/29/2018			
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	6/19/2018	7/20/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/28/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Legislative	6/19/2018	7/20/2018		7/25/2018	Approved 11/12/2018			
Registered Professional Nurses (19-10)	Standards for Scope of Professional Nursing Practice Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/12/2018 Filed 11/20/2018			
Registered Professional Nurses (19-12)	Fees for Services Rendered by the Board and Supplemental Renewal Fee for the Center for Nursing Legislative	6/19/2018	7/20/2018		7/26/2018	Modified & Approved 11/12/2018 Filed 11/28/2018			
Registered Professional Nurses (19-13)	Dialysis Technicians Legislative	6/19/2018	7/20/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/28/2018			
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	6/26/2018	7/26/2018						
School Building Authority (164-03)	School Planning and Design Criteria Legislative	6/26/2018	7/26/2018						
School Building Authority (164-04)	Project Administration and Review Legislative	6/26/2018	7/26/2018						
School Building Authority (164-05)	School Building Authority Contracts and Agreements Legislative	6/26/2018	7/26/2018						
School Building Authority (164-06)	School Building Authority Reporting Procedures Legislative	6/26/2018	7/26/2018						
School Building Authority (164-07)	School Access Safety Act Guidelines and Procedures Legislative	6/26/2018	7/26/2018						
Secretary of State (153-06)	Filing and Formatting Rules and Related Documents and Other Documents for Publication in the State Register Legislative	6/5/2018	7/5/2018		7/6/2018	Approved 11/27/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Elections Systems, Software, Services and Upgrades Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018	Approved 11/27/2018			
Secretary of State (153-13)	Early Voting In-Person Satellite Precincts Legislative	5/24/2018	6/25/2018	4/25/2018 Effective 6/6/2018	7/10/2018	Approved 11/27/2018			
Secretary of State (153-41)	Online Meeting Notices Procedural	11/14/2018	12/17/2018					1/4/2019	2/4/2019
Secretary of State (153-46)	Notaries Public Legislative	6/28/2018	7/28/2018		7/30/2018	Approved 11/27/2018			
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/15/2018	7/16/2018		7/25/2018	Modified & Approved 11/12/2018 Filed 11/16/2018			
Social Work Examiners (25-07)	Code of Ethics Legislative	6/15/2018	7/16/2018		7/23/2018	Approved 11/12/2018			
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/27/2018	7/27/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/6/2018			
Tax (110-15K)	Aircraft Operated Under a Fractional Ownership Program Legislative	6/26/2018	7/26/2018	6/26/2018 Effective 8/7/2018	7/27/2018	Approved 11/12/2018			
Tax (110-21B)	Citizen Tax Credit for Property Taxes Paid Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018			
Tax (110-49)	Administration of Tax on Purchases of Wine and Liquor Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 11/12/2018			
Tax (110-50A)	Exchange of Information Agreement Between Tax Div. and Div. of Environmental Protection Legislative	6/26/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50B)	Exchange of Information Agreement Between Tax Div. and the Alcohol Beverage Control Administration Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/26/2018	7/26/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50D)	Exchange of Information Agreement Between Comm of Tax Div., Comm. Of Labor and the Comm. Of Insurance Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50E)	Exchange of Information Agreement Between Tax Dept. and the WV Lottery Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Tax (110-50F)	Exchange of Information Agreement Between Tax Dept. and the State Fire Marshal Legislative	6/27/2018	7/27/2018		7/27/2018	Approved 9/20/2018			
Treasurer (112-16)	Reporting and Claiming Unknown and Unlocatable Interest Owners Reserved Interests Legislative	6/27/2018	7/27/2018	6/27/2018 Effective 8/8/2018	7/27/2018	Modified & Approved 11/27/2018 Filed 12/13/2018			
Water Resources, Div. of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/25/2018	7/10/2018		7/27/2018	Modified & Approved 11/27/2018 Filed 12/10/2018			

West Virginia Secretary of State Mac Warner Administrative Law Division	Do Not Mark In This Box FILED 2019 JAN -4 A 9:43 OFFICE WEST VIRGINIA SECRETARY OF STATE

LEGISLATIVE

Changes to Social Services Manuals

Agency: West Virginia Department of Health and Human Resources

Bureau: Children and Families, Division of Children and Adult Services

Rule: 78-5

Change Number: Non Discrimination Policy

Revision existing manual: Yes X No

Changes to Youth Services policy will be effective December 26th, 2018. Please replace Youth Service policy with the enclosed version. Changes include the addition of non-discrimination, reasonable accommodations and grievance procedures consistent with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age disc4rimination Action of 1975

Changes to Youth Services policy with regards non-discrimination are as follows:

- Youth Service Policy Section 12.1, 12.2, 12.3, and 12.4

I am enclosing three copies; please file one and send the Bureau back a stamped copy. Please send to:

Michelle Dean
Program Manager, Bureau for Children and Families
Office of programs and Resource Development
350 Capitol Street, Room 691
Charleston, WV 25301-3704

Wednesday, January 2nd, 2019

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
1/9/2019 10:38 AM
Office of West Virginia Secretary Of State

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

AGENCY: Public Service Commission TITLE-SERIES: 150-01

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

RULE NAME: Rules of Practice and Procedure

CITE STATUTORY AUTHORITY: W. Va. Code §§ 24-1-1(f), 24-1-7, 24-2-1 and 24-2-2.

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

February 8, 2019

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
1/9/2019 10:40 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

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

AGENCY: Public Service Commission TITLE-SERIES: 150-02

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

RULE NAME: Rules For The Construction And Filing Of Tariffs

CITE STATUTORY AUTHORITY: W. Va. Code §§ 24-1-1, 24-1-7, 24-2-1, 24-2-2, 24-2-4a, 24-2-4b, 24-2-5, 24-2-7, 24-2-8, 24-2-9, 24-3-2, 24-3-5, and 24A-1-1.

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

February 8, 2019

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
1/4/2019 4:07 PM
Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Secretary Of State TITLE-SERIES: 153-41

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

RULE NAME: Online Meeting Notices

CITE STATUTORY AUTHORITY: §6-9A-3(e)(3)(g)

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

February 4, 2019

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

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered

No Orders Received This Week

1/10/2019 12:51:32 PM

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS

NO.	OPINION SOUGHT
2019-01	A State Agency asks whether it may solicit funds for the purpose of fostering women's health and wellness and use the solicited funds to pay for its operating expenses.

WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE ON OPEN GOVERNMENTAL MEETINGS ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2019-01	The Superintendent of Brooke County Schools asks whether out-of-calendar days and days outside the school environment are counted when computing time periods for providing notice of meetings under the Open Governmental Proceedings Act.
2019-02	The City of Winfield asks whether it may enact an ordinance prohibiting private citizens from filming public meetings under the Open Governmental Proceedings Act.

Regina J. Anderson, Executive Director
Constance Sloan, Office Manager

(304) 558 0302 Phone
(304) 558 0660 Fax

STATE OF WEST VIRGINIA
Board of Funeral Service Examiners
179 Summers Street, Suite 319
Charleston, WV 25301

Eugene T. Fahey, President
Robert C. Fields, Secretary
E. Brian Nichols
Ronald D. Waybright
Frederick H. Kitchen
Richard Bishoff

wvfuneralboard@hotmail.com
www.wvfuneralboard.com

January 3, 2019

State of West Virginia
Governor's Office
Main Capitol Bldg.
1900 Kanawha Blvd., East
Charleston, WV 25305

FILED
2019 JAN -9 A 10: 3
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Dear Governor Jim Justice:

On behalf of the State of West Virginia, Board of Funeral Service Examiners, this office is presenting a report for the period of July 1, 2015 through June 30, 2017, as required by WV Code 30-1-12.

The report is hereby certified by:

Regina J. Anderson, Executive Director Regina J. Anderson
Eugene Fahey, President
Robert Fields, Secretary

CC: Secretary of State
Legislative Librarian (electronically)

Enclosures:

RECEIVED
JAN 09 2019

OTHER

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

FILED
2019 JAN -7 P 4: 57
OFFICE WEST VIRGINIA
SECRETARY OF STATE

January 7, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **January 4, 2019**.

LETTERS OF INTENT RECEIVED

January 2, 2019 – Beckley ARH Hospital, Lexington, Kentucky, CON File #19-1-11527-P, for the development of primary (emergency) percutaneous coronary intervention (Primary PCI) services; capital expenditure: $200,000.

January 2, 2019 – ABBE Education and Staffing, Proctorville, Ohio, CON File #19-2-11528-PC, for the establishment of an in-home personal care agency located at 410 31st Street, Huntington, Cabell County; capital expenditure: $24,000.

January 4, 2019 – West Virginia Health Care Cooperative, Inc., Summersville, Nicholas County, CON File #19-4-11531-H, for becoming the licensed operator of Summersville Regional Medical Center and any related facilities and services; capital expenditure: $20,000,000.

January 4, 2019 – Ronceverte Physician Group, LLC, Franklin, Tennessee, CON File #19-4-11532-A, for the acquisition of Appalachian Nephrology & Hypertension, Inc.; capital expenditure: $113,500.

LETTER OF INTENT WITHDRAWN

January 2, 2019 – Beckley ARH Hospital – Lexington, Kentucky, CON File #18-1-11526-P, for the development of primary (emergency) percutaneous coronary intervention (Primary PCI) services; capital expenditure: $200,000

APPLICATIONS FOR EXEMPTION RECEIVED

January 4, 2019 – Celtic Intermediate Corp., New York, New York, CON File #19-10/11-11533-X, for the acquisition of REM Community Options – Wheeling, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-5/10-11534-X, for the acquisition of REM Community Options – Paden City, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-5-11535-X, for the acquisition of REM Community Options – Parkersburg, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-6-11536-X, for the acquisition of REM Community Options – Bridgeport, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-8/9-11537-X, for the acquisition of REM Community Options – Keyser, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-6-11538-X, for the acquisition of REM Community Options – Morgantown, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-6-11539-X, for the acquisition of REM Community Options – Charleston, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-1-11540-X, for the acquisition of REM Community Options – Beckley, a provider of behavioral health services.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-11-11541-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 201 Woodcrest Drive, Follansbee, Brooke County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-10-11542-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 170 Paducah Drive, New Martinsville, Wetzel County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-10-11543-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 115 Arlington Avenue, Moundsville, Marshall County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-6-11544-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 1040 White Avenue, Morgantown, Monongalia County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-10-11545-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 147 GC and P Road, Wheeling, Ohio County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-9-11546-X, for the acquisition of the intermediate care facility for individuals with intellectual disabilities to be developed in Berkeley County by REM West Virginia.

OTHER

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-11-11547-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 131 Rockdale Road, Follansbee, Brooke County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-11-11548-X, for the acquisition of the intermediate care facility for individuals with intellectual disabilities to be developed in Hancock County by REM West Virginia.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-10-11549-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 1501 Flynn Avenue, Wheeling, Ohio County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-6-11550-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 904 Curtis Avenue, Morgantown, Monongalia County.

January 4, 2019 - Celtic Intermediate Corp., New York, New York, CON File #19-10-11551-X, for the acquisition of the intellectual disability facility operated by REM West Virginia, located at 618 Brookhaven Road, Morgantown, Monongalia County.

HEARING ANNOUNCEMENT

The Administrative Hearing Conference scheduled for January 8, 2019 has been POSTPONED in the following matter:

West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #18-6-11429-H, for the provision of kidney transplant services; capital expenditure: $50,000.00.

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Services

Bill J. Crouch
Cabinet Secretary

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

OTHER

MEMORANDUM

FILED
2019 JAN 10 A 11:23
OFFICE WEST VIRGINIA
SECRETARY OF STATE

To: Interested Parties

Through: Patrick M. Murphy, P.E., Director
Environmental Engineering Division

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

Date: January 9, 2019

Subject: Central Hampshire PSD – Water System Improvement Project
DWTRF# 18DWTRFA005
IJDC# 2017W-1710
Hampshire County

Please find enclosed the Central Hampshire PSD – Water System Improvement 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:ped
Enclosure

Distribution List:

Cerrone Associates, Inc.
Region VIII Planning and Development Council
Central Hampshire PSD
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
Department of the Army COE, Huntington District

FINDINGS OF NO SIGNIFICANT IMPACT

FILED
2019 JAN 10 A 11: 23
OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

January 9, 2019

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:

Central Hampshire PSD
18540 Northwestern Pike
Augusta, WV 26704
WVIJDC Project #: **2017W-1710**
SRF Project #: **18DWTRFA005**

Water System Improvement Project
(Official Project Name and Number)

Central Hampshire PSD
18540 Northwestern Pike
Augusta, WV 26704

(Project Applicant)

Green Spring, Springfield & Graces Cabin area of Hampshire County, WV
(Project Location, City, County, State)

$ 1,255,000
(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,005,000
(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Central Hampshire PSD – Water System Improvements Project
WV IJDC Project No.: **2017W-1710** / SRF Project No.: **18DWTRFA005**

I. PROPOSED PROJECT:

The proposed Central Hampshire PSD Water Systems Improvement Project will consist of the following:

A. Green Spring Water Treatment Plant - A partial upgrade to the which includes a 14'x32' addition to the existing building to house new high service pumping, a clearwell and future space for an additional filter membrane, a new rest room and sanitary sewer pressure service grinder pump and service line to the existing public gravity collection system, and cellular based telemetry upgrades to add on to existing cellular telemetry system.

B. Springfield Rehabilitation – This portion of the project will include the rehabilitation of the Raven Rock pump house, the rehabilitation of the Route 28 booster station, and the replacement of approximately 2.43 miles (12,810 LF) of existing waterline within the Springfield area. The existing 3-inch mainline will be replaced with 6-inch mainline to facilitate future southern extensions, which will require 29 reconnects. Also, 100 LF of 12-inch line will be installed at a nearby gravel road side pull over area in order to meet virus inactivation. Five (5) fire hydrants and all necessary valves and appurtenances will also be provided.

II. PURPOSE AND NEED:

Customers in the Green Spring and Springfield system encounter water service interruption at a higher rate than normal due to the high frequency of line failures in the system. The reliability of a public water supply is one of the benchmarks for health and sanitation, and when the system becomes unreliable due to higher than usual failure, these parameters are compromised.

The public health benefits to be derived from the project include those associated with improved reliability and quality of drinking water. This project will include the replacement of aging, failing pipes will decrease the number of line breaks significantly reducing the chance for harmful contaminants entering the system.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The entire project area is located within Hampshire County in West Virginia. There are two separate distinctive areas for this project; the Green Springs Area and Springfield Area.

The Green Spring Water Treatment Plant was partially upgraded in 2007 through the construction of a new building with new membrane filtration. In the last several years, operations at the plant were challenged by control issues with its filtration system, as well as a failing high service pump facility and a lack of onsite sewerage facilities.

In Sprinfield, old, undersized asbestos cement and PVC lines have plagued the District with chronic water leaks and flow problems ever since it took over the Green Spring PSD ten years ago. These have prevented the District from extending water service to the surrounding area. The District has also been unable to monitor pumping facilities in the system.

IV. EVALUATION OF ALTERNATIVES:

Alternative for each aspect of the project were evaluated separately and are provided below.

The Green Spring Water Treatment Plant include six distinctive alternatives that were evaluated: no action; partial plant upgrade; construction of a new water treatment plant at the existing site using the existing spring source; construction of a new water treatment plant at a new plant site using water from the Potomac River; perform modifications to the existing high service pump house, provide new sanitary sewer service and telemetry upgrades; or provide new high service pump house and improved clearwell external to the min building, demolish the existing high service pumphouse, provide new sanitary sewer service and telemetry upgrades. A no action alternative for this portion of the proposed project would keep the District at risk of having a contaminated clearwell and issues with detention, communications and controls, therefore, this option will not be considered further. The remaining alternatives were evaluated utilizing life cycle cost analysis as well as a decision matrix to consider non-monetary factors to determine the alternative that is best suited for the District. The partial plant upgrade alternative was selected.

The Springfield rehabilitation include three distinctive alternatives that were evaluated: no action; perform select, targeted repairs and replacements for the identified problems; or provide complete replacements of Raven Rock Pump House, distribution system and Route 28 Booster Station. A no action alternative for this portion of the proposed project would keep the District constantly repairing water leaks that compromise water service to customers, therefore, this option will not be considered further. The remaining alternatives were evaluated utilizing life cycle cost analysis as well as a decision matrix to consider non-monetary factors to determine the alternative that is best suited for the District. The alternative to perform select, targeted repairs and replacements for the identified problems was selected.

OTHER

V. DESCRIPTION OF EXISTING ENVIRONMENT:

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

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the Central Hampshire PSD, Water System Improvements project, dated August 22, 2017 states: "It is our opinion that the proposed project will result in no adverse effect to any architectural properties eligible for or included in the National Register of Historic Places." The same letter states "In our opinion, no archaeological historic properties will be affected by the proposed project." A letter from the Hampshire County Planning Office dated October 4, 2017 states: "The Hampshire County Planning Office has reviewed the proposed project, waterline extensions and replacements in Springfield and sewer service line in Green Springs. This office sees no archeological or historical impacts in these areas." A letter from the WV Division of Culture and History regarding the Central Hampshire PSD, Water System Improvements project, dated October 27, 2017 states: "Thank you for providing the Hampshire County Planning Office and the Hampshire County Historic Landmarks Commission the opportunity to comment on the proposed project. As noted in the letter dated October 4, 2017, David Parker, President of the Hampshire County Historic Landmarks Commission, sees no archeological or historical impacts in the proposed project area."

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 Cerrone Associates, Inc. states that "... temporary noise and air pollution will result from the construction. Noise pollution can be mitigated, but not eliminated, by requiring the contractor to adequately maintain noise suppressing devices on the construction equipment. Air pollution can be similarly mitigated by requiring the contractor to comply with the Clean Air Act requirements." A letter form the WV DEP Division of Air Quality regarding the Central Hampshire PSD, Water System Improvements project, dated March 28, 2018 outlines various air requirements for situations that are not anticipated for this project.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service – dated August 29, 2017 – states that "We have made a "no effect" determination that the project will not affect federally listed endangered of threatened species." A letter from WV Division of Natural Resources – dated July 28, 2017 – states that "We have no known records of any RTE species or sensitive habitats within the project area;....."

5. **Protection of Wetlands** – A letter from the Department of the Army, Pittsburgh District, Corps of Engineers dated August 9, 2017 states that "The U.S. Army Corps of Engineers regulates earth moving activities within streams or wetlands. This includes any placement of fill material, temporary or permanent. If you are proposing a new

project that entails the placement of fill material in waters (including wetlands), or if you are proposing a modification to an existing project that entails the placement of fill material in waters, then this litter serves as your notice that your project may require a permit from this office." A letter from the Department of the Army, Pittsburgh District, Corps of Engineers dated July 13, 2018 states that "My review determined that activities associated with projects of this type are authorized by Nationwide Permit (NWP) No. 12, Utility Line Activities, without further written authorization from the Department of the Army. The activity with its low amount of estimated impacts (230 linear feet at 6 stream crossings) can occur without providing the Corps pre-construction notification according to NWP-12. Also, the proposed project will not affect waters that are subject to Section 10 of the Rivers and Harbors Act. The NWP-12 was published in the January 6, 2017 issue of the Federal Register."

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

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding the Wild and Scenic designation in the State. The other rivers with any federal designation are those administered by the National Park Service: The Gauley and Meadow rivers in Nicholas and Fayette counties, and the New River in Fayette County."

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated July 17, 2018 states "Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does not impact prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act.

9. **Flood Plain Management** – A letter from the Hampshire County Planning Office dated April 16, 2018 states "The Hampshire County Planning Office has reviewed the proposed project, the water system improvement with Central Hampshire Public Service District in Hampshire County, WV. The office sees no reason to delay the proposed project as it has been reviewed and approved by a professional West Virginia licensed engineer. Furthermore, it must be stated in written letter for that, due to no fill being placed that encroaches additionally on the special flood hazard area, the project will create zero rise in the floodplain. A letter from Cerrone Associates, Inc. dated April 24, 2018 states "On behalf of the Central Hampshire Public Service District, we are confirming with your office that the project plans for no fill being placed that encroaches additionally on the special flood hazard area, and the project will create zero rise in the floodplain. This is in response to correspondence with your office on March 20, 2018 and April 12, 2018". A letter from Cerrone Associates, Inc. dated May 16, 2018 states"...we are writing to conform that the above referenced project assets will be above the 100 year flood plain plus three (3) feet or, where below flood elevation will be floodproof. There are portions of the waterline extensions that will be below the 100 year flood plain elevation, but the line and appurtenances will not be impacted by the flood nor will the impact the flood way. Also, this project is not encroaching upon any wetlands."

OTHER

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee and was granted a Health Department permit to construct April 23, 2018 (#20,174).

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 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 Richard Wood, Chairman, Central Hampshire PSD.

    This project has no impact on environmental justice.

12. **Lead Paint Abatement** – It is not anticipated that the rehabilitation work for this project will involve any lead paint due to the age of the facilities, however, specification for testing and handling of lead paint are included in the contract documents.

VI. CLIMATE CHANGE/ENERGY EFFICIENCY/RESILIENCY

A greenhouse gases evaluation was conducted for this project. This evaluation concluded that there will be a decrease of approximately 75,514 lbs/yr of carbon dioxide released as a result of installing variable frequency drives (VFD) on the Green Springs high service pumps at the treatment plant. An energy efficiency evaluation was also conducted as part of the review. This evaluation concluded that there would be an increase in energy efficiency with a reasonable payback if (VFD) were installed on the Green Springs high service pumps at the treatment plant.

VII. ENVIRONMENTAL CONSEQUENCES:

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

VIII. MITIGATING MEASURES:

The 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.

IX. PUBLIC PARTICIPATION:

The project was discussed at PSD Board meetings over the last year.

OTHER

X. DOCUMENTATION:

A Project Location Map is attached.

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

Statutory Checklist

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

Project Sponsor: Central Hampshire PSD **Phone:** 304-496-8882

Address: 18540 Northwestern Pike, Augusta, WV 26704

Public Water System: Central Hampshire PSD **County:** Hampshire

Project: Water System Improvement 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	USACOE
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
Lead Paint Consideration		X	X			X	comply with all local, state, and federal regulations and requirements	Cerrone Associates

Prepared By: Paul Daniels, PE **Title:** Engineer Associate

Signature: **Date:** December 28, 2018 **Telephone:** 304-356-4307

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

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Service

Bill J. Crouch
Cabinet Secretary

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

OTHER

MEMORANDUM

FILED
2019 JAN 10 P 12: 24
OFFICE WEST VIRGINIA SECRETARY OF STATE

TO: Interested Parties

THROUGH: Patrick M. Murphy, P.E., Director
Environmental Engineering Division

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

DATE: January 9, 2019
SUBJECT: Categorical Exclusion Decision (CE)
Salt Rock PSD – Water Line Extension Project

A copy of the Salt Rock PSD Water Line Extension Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Stephanie Hickerson, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail stephanie.d.hickerson@wv.gov.

RWD

Enclosures

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

Distribution List:
Regional P&D Council – Region II
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Jonathan Carpenter, PE, Thrasher

Salt Rock PSD
CATEGORICAL EXCLUSION DECISION

FILED

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OFFICE WEST VIRGINIA
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January 9, 2019

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Salt Rock PSD – Water Line Extension Project
Cabell County, WV
WVIJDC Project #: **2017W-1714**
SRF Project #: **18DWTRFA011**

(Official Project Name and Number)

Salt Rock PSD
31 Water Plant Road
Salt Rock, WV 25559-9705

(Project Applicant)

Salt Rock
Cabell County, West Virginia

(Project Location, City, County, State)

$ 3,210,616

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,660,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Salt Rock PSD
Water Line Extension Project
WV IJDC Project No.: **2017W-1714** / SRF Project No.: **18DWTRFA011**

I. PROPOSED PROJECT:

This project will extend water service to 106 new customers in the Upper Tom's Creek, Big Cabell Creek, Lower Heath Creek, Raccoon Creek, Cavill Creek and Frontage Road areas of Cabell County, WV. The project will consist of approximately twelve (12) miles of 1" through 8" water line, one hundred and six (106) meter settings, twenty-eight (28) fire hydrants and all necessary valves and appurtenances. Construction will be adjacent to Rt. 2, Rt. 43/2, Frontage Rd. and other local roadways in Cabell County. The Salt Rock Water PSD purchases water from and is operated by WV American Water – Huntington Division.

II. PURPOSE AND NEED:

The water line extension project is necessary to meet the needs of the service area. These needs include health, safety, and a reliable source of potable drinking water. Wells in these areas are unreliable and may not meet drinking water standards due to contamination. This project would enable the residents of these areas to have a clean and reliable source of potable drinking water, along with the added benefit of fire protection.

III. ENVIRONMENTAL CONSEQUENCES IF PROJECT IS NOT BUILT:

If this project is not constructed residents will continue to have wells that are unreliable and that may be contaminated.

IV. CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program specific subparts of this regulation.
   Criteria which would prevent the use of a categorical exclusion are found in 40 CFR §6.107(e) summarized as follows:
3. The action may have a significant effect on the quality of the human environment, or
4. The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resource, or other identified resource areas of concern; or
5. The action is not cost-effective or may cause public controversy.

V. ANALYSIS:

The proposed project meets the criteria for categorical exclusion. It involves installing approximately 12 miles of 1" through 8" water line and 28 fire hydrants along with all necessary valves

and appurtenances. All work will be done on DOH right of way or previously disturbed ground and will have no adverse environmental impact.

VI. FLOODPLAIN MANAGEMENT/RESILIENCY

This project consists of water line extensions in the areas of Big Cabell Creek, Cavill Creek, Upper Toms Creek, Lower Heath Creek, Raccoon Creek and Frontage Road in Cabell County, West Virginia. All of these water line extensions will be installed in areas outside floodplains. This project will comply with all provisions of Executive Order 11988 as amended by Executive Order 13690.

VII. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. For this line extension project its assumed that there is no net change in the release of greenhouse gases due to the project. When providing water to new customers that have been acquiring their household's water through either a private well which runs on a pump or by hauling water using vehicles these private collection methods and the greenhouse gases released will cease. With the extension project, there may be an increase in the production capacity and plant operating time, but the increase in greenhouse gases will be offset by ending what the private water collection methods released. An energy efficiency evaluation was not needed because this project does not include any energy consuming equipment.

VIII. REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following;

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state or local laws may be violated.

IX. DOCUMENTATION:

1. Categorical Exclusion Checklist as prepared by Jonathan Carpenter, PE, Thrasher Group
2. West Virginia Division of Culture and History letter dated September 18, 2017
3. Natural Resources Conservation Service letter dated July 30, 2018
4. Division of Natural Resources letter dated August 21, 2017
5. US Fish and Wildlife Service letter dated August 24, 2017
6. Letter from Thrasher regarding U.S. Army Corps of Engineers dated January 4, 2019
7. Environmental Justice Certification
8. Flood plain management documentation

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