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Administrative Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Administrative Law Division
Bldg. 1, Suite 157K
1900 Kanawha Blvd. E.
Charleston, WV 25305-0770

(304) 558-6000
www.wvsos.com

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

Community and Technical College Education

Health Care Authority

Higher Education Policy Commission

Insurance Commission

Medicine, WV Board of

Public Health

CHRONOLOGICAL INDEX, VOLUME XXXVI ISSUE 4			
NO NEW PROPOSED RULES WERE FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE FOR HEARING**
Insurance Commission (114-40)	Credit for Reinsurance	§§33-2-10, 33-4-15a(e)	ERD by March 1, 2019	February 19, 2019

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

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
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TITLE	87	FIRE COMMISSION
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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	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
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TITLE	199	EXPLOSIVES & BLASTING
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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					1/22/2019	2/22/2019
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 (126-012)	WV System of Support and Accountability (2322) Legislative Exempt	1/11/2019	2/11/2019						
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					1/11/2019	7/1/2019
Education (126-044N)	WV College-and Career-Readiness Standards for Technology and Computer Science (2520.14)	11/15/2018	12/17/2018					1/11/2019	7/1/2019
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) Procedural	11/15/2018	12/17/2018					1/11/2019	2/11/2019
Education (126-099)	Expected Behaviors in Safe and Supportive Schools (4373) Legislative Exempt	1/11/2019	2/11/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-114)	Approval of Educator Preparation Programs (5100) Legislative Exempt	1/11/2019	2/11/2019						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) Legislative Exempt	1/11/2019	2/11/2019						
Education (126-172)	Handbook on Planning School Facilities (6200) Legislative Exempt	1/11/2019	2/11/2019						
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			
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					

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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		1/22/2019				
Higher Education Policy Commission (133-53)	Human Resources Administration Legislative	12/21/2018	1/21/2019		1/22/2019				
Highways (157-12)	Employment Procedures Legislative	7/18/2018	8/20/2018	7/19/2018 Effective 8/30/2018	8/30/2018	Approved 11/12/2018			
Insurance Comm. (114-40)	Credit for Reinsurance Legislative			1/18/2019 ERD by 3/1/2019					

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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

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1/22/2019 11:23:07 AM
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Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-15

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

RULE NAME: 133-15 Acceptance of Advanced Placement

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: WV Higher Education Policy Commission
1018 Kanawha Boulevard East
Charleston , WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-6

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 12/21/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 1/21/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Higher Education Policy Commission TITLE-SERIES: 133-53

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

RULE NAME: 133-53 Human Resources Administration

PRIMARY CONTACT

NAME: Cindy L Anderson

ADDRESS: WV Higher Education Policy Commission
1018 Kanawha Boulevard East
Charleston, WV 25301

EMAIL: cindy.anderson@wvhepc.edu

PHONE NUMBER: 304-558-4016

CITE STATUTORY AUTHORITY: 18B-1-1

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 12/21/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 1/21/2019

COMMENTS RECEIVED: No

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

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Secretary Of State

PROCEDURAL

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

AGENCY: Community And Technical College Education TITLE-SERIES: 135-21

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

RULE NAME: Freshma Assessment and Placement Standards

CITE STATUTORY AUTHORITY: §18B-2B-6

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

February 22, 2019

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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1/18/2019 4:29:51 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Insurance Commission TITLE-SERIES: 114-40

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Credit for Reinsurance

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W.Va. Code §§33-2-10 and 33-4-15a(e)

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

PRIMARY CONTACT:

NAME: Victor Mullins Associate Counsel

ADDRESS: 900 Pennsylvania Avenue

Charleston, WV 25302

EMAIL: victor.a.mullins@wv.gov

PHONE NUMBER: 304-558-6279 1260

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-4-11530-X	**Health Care Authority**	Appalachian Regional Healthcare Inc	1/16/2019
18-5-11487-P	**Health Care Authority**	Camden-Clark Memorial Hospital Corporation	1/14/2019
18-5-11487-P	**Health Care Authority**	Camden-Clark Physician Corporation	1/14/2019
18-1-11517-X	**Health Care Authority**	Dumas Psychology Collective LLC	1/16/2019
18-1-11504-P	**Health Care Authority**	Princeton Community Hospital Association Inc	1/17/2019
18-9-11523-X	**Health Care Authority**	Shenandoah RE, LLC	1/15/2019
13-5-9990-NH	**Health Care Authority**	Wirt County Health Services Association Inc	1/16/2019
18-134-W	**Medicine, West Virginia Board Of**	Thomas Alan Durnell, MD	1/14/2019
17-181-W	**Medicine, West Virginia Board Of**	Daniel Leon Alkon, MD	1/14/2019
18-135-W	**Medicine, West Virginia Board Of**	Johnny Dy, MD	1/14/2019
18-136-W	**Medicine, West Virginia Board Of**	Edmundo E Figueroa, MD	1/14/2019
18-132-W	**Medicine, West Virginia Board Of**	Anup Kumar Das, MD	1/14/2019

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

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2019 JAN 22 P 2:58
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January 22, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **January 18, 2019**.

LETTER OF INTENT RECEIVED

January 18, 2019 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #19-5-11555-A, for the acquisition of Community Health Association d/b/a Jackson General Hospital; capital expenditure: $10,000,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

January 14, 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 14, 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 14, 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 14, 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.

APPLICATIONS DECLARED COMPLETE AND UNDER REVIEW

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

EXPEDITED APPLICATIONS

January 14, 2019 - Claire-Frances Health Services LLC, Ashland, Kentucky, CON File #18-3-11347-P, for the development of an ambulatory infusion center at the existing Infusion Pharmacy located at 5528 MacCorkle Ave., SE, Charleston, Kanawha County; capital expenditure: $13,766.39.

January 14, 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 15, 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 15, 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.

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

January 16, 2019 – Review cycle begins;

February 14, 2019 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

February 19, 2019 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

March 18, 2019 – Decision on the project will be issued by the Authority.

PROJECTS DETERMINED NOT REVIEWABLE

January 16, 2019 – Dumas Psychology Collective, LLC, Beckley, Raleigh County, CON File #18-1-11517-X, for the complete relocation of its licensed behavioral health center in Beckley, Raleigh County from 110 Earle Street to 1703 S. Kanawha Street; no capital expenditure.

January 16, 2019 – Appalachian Regional Healthcare, Inc., Lexington, Kentucky, CON File #19-4-11530-X, for the conversion of the Oak Hill ARH Clinic located at 233 Maple Avenue, Oak Hill, Fayette County to a Rural Health Clinic; no capital expenditure.

EXEMPTION APPLICATION APPROVED

January 15, 2019 - Shenandoah RE, LLC, New York, New York, CON File #18-9-11523-X, for the acquisition of the real property of Shenandoah Center, a nursing home located in Charles Town, Jefferson County.

CERTIFICATE OF NEED APPROVALS ISSUED

January 14, 2019 - Camden-Clark Memorial Hospital Corporation and Camden-Clark Physician Corporation, Parkersburg, Wood County, CON File #18-5-11487-P, for the development of an ambulatory health care facility through the provision of specialty physician services and diagnostic imaging services in St. Mary's, Pleasant County; capital expenditure: $166,000.

January 17, 2019 - Princeton Community Hospital Association, Inc., Princeton, Mercer County, CON File #18-1-11504-P, for the establishment of an ambulatory health care facility located at 114 Undercliff Terrace, Princeton, Mercer County; capital expenditure: $75,000.

RENEWAL GRANTED

January 16, 2019 - - Wirt County Health Services Association, Inc., Elizabeth, Wirt County, CON File #13-5-9990-NH, for the construction and operation of the Wirt County Nursing Home, a 36-bed nursing home, to be located at 483 Court Street, Elizabeth, Wirt County; capital expenditure: $5,288,190.70.

Renewal granted through December 31, 2019.

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

OTHER

Bureau for Public Health
Office of Environmental Health Services
2018-19 Intended Use Plan Review (REVISED)
For the Drinking Water Treatment Revolving Fund
Notice of Public Meeting and Public Comment Period

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2019 JAN 18 P 2:16
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The Bureau for Public Health, Office of Environmental Health Services, will hold a public meeting on February 20, 2019 from 3:00 p.m. to 3:30 p.m. to accept written or oral comments on the proposed July 1, 2018 through June 30, 2019 Draft Intended Use Plan (IUP) (REVISED) for the West Virginia Drinking Water State Revolving Fund (DWTRF) program, including the construction loan fund. The IUP was revised to update the list of projects requesting DWTRF funding. The meeting will be held at the West Virginia Bureau for Public Health, Environmental Engineering Division, 350 Capitol Street, Room 345, Charleston, WV and is open to the public.

A copy of the proposed IUP will be available for public review on or before January 25, 2019 at the following locations:

Charleston Central Office	(304) 356-4301
Wheeling District Office	(304) 238-1145
Fairmont District Office	(304) 368-2530
Kearneysville District Office	(304) 725-9453
Beckley District Office	(304) 256-6666
St. Albans District Office	(304) 722-0611

A copy of the proposed IUP will also be available for public review on the Bureau for Public Health website at http://www.wvdhhr.org/ochs/eed/i&cd/

The public may submit written comments by mail, e-mail, facsimile (304-558-0691) or other delivery to:

Robert W. DeCrease
Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division
350 Capitol Street, Room 313
Charleston, WV 25301-3713
Email: robert.w.decrease@wv.gov

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2019 JAN 18 P 2:16
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

All comments must be received by 12:00 noon, February 25, 2019.

Please include your name, return address, e-mail address, daytime telephone number and indicate any organization that you may represent. Prior to any final action on this IUP, the Bureau for Public Health will address only comments relevant to IUP issues.

OTHER

July 1, 2018 – June 30, 2019

INTENDED USE PLAN (REVISED)

For the
WEST VIRGINIA DRINKING WATER
STATE REVOLVING FUND

State of West Virginia

Department of Health and Human Resources
Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division

February 2019

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I. INTRODUCTION

The Inttended Use Plan has been updated to revise the Project Prority List. The McDowell Co. PSD and City of Sistersville projects were removed from the list because the decided not to use our funding. There were three new projects added to the list that have expressed an intrest in using our funding. The projects added were Lashmeet PSD's Mary Branch Extension project and two New Haven PSD projects. The public comment process has been update for this revised IUP.

The Safe Drinking Water Act (SDWA) amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems in financing the cost of the infrastructure needed to achieve or maintain compliance with SDWA requirements and protect public health. This Intended Use Plan (IUP) details the intended use for the State Fiscal Year 2019 (FFY 2018) Capitalization Grant funds totaling $11,107,000 and will require a 20% state match of $2,221,400. The available State Program Cash Match is $647,500. The West Virginia Infrastructure and Jobs Development Council (Infrastructure Council) committed the funds for the required 20% match at its June 2018 meeting.

From the FFY 2018 Capitalization Grant, $7,940,580 (along with the state match, projected earned interest and loan repayments) shall be used to construct projects. These funds are the Drinking Water Treatment Revolving Fund (DWTRF). The 2% Technical Assistance is used to contract a Continuing Education Training program for water operator training and certification. The 4% Administration funding is used to manage the DWTRF program. The 10% Program Management funding is used for enhancing the Public Water Supply Supervision Program (PWSS). The 15% Local Assistance funding is used in implementing the required state Source Water Protection Program, assessing, and assisting in the technical, managerial and financial capacity of small systems.

II. PROJECTS

A. Project Funding Requirements

Approval from the Infrastructure Council is required for any project to receive DWTRF assistance. The Infrastructure Council, with recommendations from its Water Technical Review Committee and the Funding Committee, must approve all projects. Both of the following requirements must be considered for funding of projects:

1) At least 15% of the funds in the DWTRF must go to systems serving less than 10,000 total persons. Federal code allows crediting prior year's excess above the 15% for the annual requirement. One hundred percent (100%) of this year's planned funding will go to systems with less than 10,000 population.

2) West Virginia legislation authorizes the DWTRF requirement for disadvantaged communities. *"The division of health shall, in accordance with the provisions of the safe*

drinking water act, establish a program for loan subsidies to disadvantaged communities. Thirty percent of the federal capitalization grants made to this state shall be dedicated to the funding of projects for disadvantaged communities" (Authority §16-13C-3). This requirement is not a federal requirement. At least 30% of the cumulative federal funds will be used for disadvantaged communities. The 30% requirement will be calculated on a cumulative basis of awarded grants. All planned funds will go to disadvantaged systems.

B. The Project Priority List (PPL) Process

The PPL process uses an application that the water system must complete to be considered for DWTRF funding. This application process has improved the DWTRF program by listing only those systems that are truly interested in using low interest loan funds. This eliminates the need to bypass many projects that are not interested in using the DWTRF low interest loan money.

Each water system submits a pre-application through the Infrastructure Council, also:

1) Has its project scored using DWTRF criteria;

2) May be contacted concerning its interest in DWTRF funding; and

3) If the water system is interested in DWTRF, they submit a form to be included on the next priority list that is put out for public comment.

Water systems that are the closest to going to bid, (e.g., the project design is complete and a Public Service Commission application, where applicable, has been submitted, etc.) are given top priority when issuing binding commitment letters, thus, some projects which have not received other funding or have not been designed will be bypassed in accordance with the IUP.

In order to fund more projects with DWTRF funds, the PPL may be issued for public comment several times a year so that projects that have been approved by the Infrastructure Council and have been scored and ranked can be given binding letter of commitments sooner. The PPL will include a summary of the health benefits for the project.

Water systems that have been on the prior PPL, but have not received a funding commitment will be added to the new PPL unless we have information that would indicate they no longer wish to obtain DWTRF funding.

Projects requesting DWTRF funding assistance are prioritized using the DWTRF Project Priority Ranking System (Attachment 1). Three categories (public health, regulatory compliance, and affordability) are used to determine project scoring. Projects that apply for DWTRF funding are ranked on a PPL and are listed in the Project Priority List/Comprehensive List (Attachment 2). The PPL includes the name of the public water system, description of the project, priority assigned, expected financial terms, size of community served, and whether or

OTHER

not the system is disadvantaged. The highest ranked projects on the PPL are contacted concerning their project status to determine if funding from the DWTRF is appropriate and the project is ready to proceed. The PPL ranking system allows for higher public health ranking for utilities that have multiple violations as reflected in the Enforcement Tracking Tool (ETT). The ranking system allows coordination of projects funded with consideration of the enforcement agency. It is the ultimate responsibility of the water system to inform the DWTRF staff of changes to its readiness to proceed status.

Projects expecting to receive assistance from the FFY 2018 Capitalization Grant Funds are on the Funding List Detailed Description (Attachment 3). Projects that rank lower on the PPL may still receive funding should one or more of the higher ranked projects be bypassed using the bypass procedure described below. Projects on the most recent PPL are also eligible to receive funding from previously awarded capitalization grants or repayments.

All projects on the PPL will be designated as equivalency projects unless specifically stated on the PPL as not being an equivalency project. Only the McDowell County PSD project will not be an equivalency project.

C. Bypass Procedure

Prior to implementing the bypass procedure, water system projects listed on the PPL will be reviewed to determine their project status as compared to the ready to proceed project awaiting a funding commitment. Based on the review, DWTRF staff will determine whether to bypass the project and select another project for funding commitment consideration. The following provisions will be used to bypass a project on the PPL:

1) Even though the project is for a system with significant non-compliance of the SDWA, it is determined the proposed project will not ensure compliance.

2) The project is for a system that would not have operators properly certified to operate and maintain the system by the time the project is to receive funding.

3) The project changes significantly in scope and requires re-evaluation of the proposal using the DWTRF ranking system.

4) The project is unable to proceed in a timely manner.

5) Other project funding is not committed. Should the bypassed project be within the fundable range, it may be funded at a later date.

6) The project costs significantly exceed the anticipated loan amounts. The project scope could be reduced to within the available DWTRF loan amount provided the ranking does not change.

7) The system declines the assistance.

8) The project is not determined as technically and financially feasible by the Infrastructure Council.

9) The project is unable to meet the schedule developed and agreed upon by the project sponsor and the DWTRF staff.

10) A lower ranked project attains a higher rating due to revised information, such as an environmental or public health emergency.

11) The water system is not considered as having the managerial, financial, and technical capacity, even after project completion, based upon a Capacity Development Assessment by the Office of Environmental Health Services (OEHS) staff.

12) If one or more Green Infrastructure Projects are required to be funded from the Capitalization Grant further down the list in grants that require Green Infrastructure Projects to be funded. For this specific IUP, this is not a grant requirement. OEHS does not have any requirements for Green Infrastructure Projects.

When OEHS bypasses a project, the project will remain on the PPL for consideration at a future time. If the project no longer needs or wants DWTRF funding, it is removed from future PPLs. OEHS will provide technical assistance (as needed) with bypassed projects to assist them in being eligible for the future funding. DWTRF will provide low interest design loans to increase the project pace, where needed.

In cases where a project is bypassed, the next project on the list (not being bypassed) will be funded within the funds available through the criteria outlined in this section. If a funded project comes in under cost, the remaining funds may be used to fund additional project work that can be associated with the project scope; to fund the next project on the PPL (if the cost does not exceed the available funds); or to fund other water system project needs as deemed appropriate by OEHS.

D. Emergency Projects

Projects to remediate an imminent significant hazard to a community's public health may be considered an "Emergency" project if approved by OEHS. An emergency project may not be required to be on the approved PPL if the evaluation by OEHS verifies the urgency of the project execution to avoid a major impact to the water system's customers. Emergency projects will be able to be assigned to any capitalization grant for available funding. All emergency projects must be reviewed and approved by the Infrastructure Council.

E. Loan Terms and Fees

Eligible public water systems may use the DWTRF assistance to fund the cost of infrastructure needed to achieve or maintain compliance with the SDWA and other drinking water regulations. OEHS proposes to use $10,161,980 ($7,940,580 of federal funds and $2,221,400 state

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matching funds) to provide loans to public water systems for infrastructure improvements. The DWTRF program interest rates will be below AAA Municipal Yield Market rates.

Interest Rate

a) The affordability standard for the annual water user rate is set at 1.25% of Median Household Income (MHI) for 3,400 gallon monthly usage as defined by the Infrastructure Council rules unless the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately. In this case, the magisterial district census data may be used in place of the county census data. Projects previously reviewed by the Infrastructure Council will be 'grandfathered' for up to three years from the date of the change by the Infrastructure Council. The DWTRF program will typically use the same data and criteria for median household income and typical residential usage rates as the Infrastructure Council to achieve consistency in affordability and financial evaluations by state funding agencies. If the utility can provide a reasonable justification for use of magisterial district median household incomes, the DWTRF program can use them instead of the county or municipal census data. The threshold of 1.25% may be lower than the rate the Infrastructure Council uses for its determination of disadvantaged rates. Water rates equal to or greater than this affordability standard will be considered disadvantaged. Water rates below this affordability standard will be considered non-disadvantaged.

Principal forgiveness funding assistance will typically be provided in combination with a DWTRF repayment loan for disadvantaged public water systems. Principal forgiveness alone may be provided to water systems for a design loan or for construction if special circumstances occur for the project. The disadvantaged loan interest rate will increase from 0.75% to 1.0%. The non-disadvantaged water systems will be eligible for 3.00% loans up from 2.75% loans. These increase in rates will be offset with a reduction in admininstrative fees.

b) If DWTRF funding replaces another agency's grantor loan funds on a previously approved Infrastructure Council project, additional subsidization can be provided to maintain the approved level of affordability.

Loan Terms

Terms are given up to 20 years for non-disadvantaged loans and up to 30 years for disadvantaged community water systems loans.

Administrative Fees

The OEHS administrative fee for projects will be reduced from 0.5% down to 0.25% of the loan amount to be repaid and the fee is paid evenly over the life of the loan. This administrative fee may be adjusted to make the project affordable. Administrative fees for principal forgiveness loans will be waived.

Design Loans

The DWTRF provides design loans to eligible public water systems for projects on the PPL. The purpose of design loans is to make the projects more attractive for outside additional funding and to decrease the time between project design and construction. The loans will be offered at the

OTHER

same terms as those determined for the full project infrastructure improvements as approved at Infrastructure Council or principal forgiveness, if eligible and necessary. Design loan payback will begin within nine months following the design's scheduled completion.

Graduated Loan Repayment

The DWTRF loan program can provide graduated loan repayment schedules to make projects more affordable to water systems. In this case, the water system will start repayments following construction completion, but the initial payments will be reduced until one or more existing loans are paid in full. Then, the water system will make accelerated DWTRF payments within the loan period. This will allow a level debt service payment for water systems to make infrastructure projects more affordable. The repayment of loans will still be completed in the same time period of the project's eligibility.

F. Project Selection and Loan Activities

The PPL was developed from the projects on prior PPLs that did not receive funding commitments and new applications. Project representatives of prior listed projects were contacted to determine if they still desired DWTRF funding. Those projects which indicated they still desired to be considered for funding were kept on the list and any other project recently submitting an application to OEHS or applying for DWTRF funding through the Infrastructure Council was added to the list.

The PPL will be finalized after the public comment period. The Funding List Detailed Description (Attachment 3) describes the projects most likely to be funded from this Capitalization Grant.

G. Additional Subsidization

The Capitalization Grant requires that 20% of assistance provided is in the form of additional subsidies (principal forgiveness). OEHS has the authority to offer principal forgiveness loans in an amount up to 100% of a loan made by the State's DWSRF program. The intent of this program is to provide principal forgiveness to those water systems that have significantly higher user rates versus those that may barely meet the disadvantaged criteria. The Funding List Detailed Description includes four projects that are eligible to receive $2,388,320 in subsidization for disadvantaged water systems. The 20% amount of the capitalization grant funds is $2,221,400 so OEHS has a plan to meet the requirement for additional subsidization.

H. Green Infrastructure (Green Project Reserve – GPR)

The Capitalization Grant does not require any of the funds provided for projects to be used for water efficiency, energy efficiency, green infrastructure, or other environmentally innovative activities. OEHS does not have any requirements for green project reserve.

I. Davis Bacon Wage Rates (DB)

The Capitalization Grant requires all loan recipients to pay applicable DB wages for all construction contracts. All loan recipients must also follow all federal Department of Labor DB Wage Rate requirements.

J. Asset Management Implementation Effect on Loan Rates

The DWTRF program has required loan recipients to implement a BPH approved asset management plan (AMP) since 2009 to help ensure sustainability of their water systems by properly managing their assets. As many of these plans have been developed and approved by BPH, we are now assessing the required maintenance and use of the approved plan in subsequent loan applications. For those systems that have maintained and updated their AMP they will be eligible for a reduction of their eligible loan rate by 0.5% on their next project funding. Conversely, those systems who had an approved AMP, but have not maintained the AMP, will be assessed an additional 0.5% above their eligible loan rate on their next project funding. Loan recipients who have not maintained their AMP will be required to update their AMP as part of the funding process for a new loan.

K. American Iron and Steel

All projects funded by this IUP will follow all of the American Iron and Steel requirements as prescribed by EPA issued documents.

L. Disadvantaged Business Enterprise (DBE)

All projects funded by this IUP will follow all of the Disadvantaged Business Enterprise requirements as prescribed by EPA issued documents.

III. FINANCIAL STATUS

The DWTRF will be managed by OEHS with assistance, through a contract agreement, from the West Virginia Water Development Authority (WDA). The WDA maintains the financial records and insures bond conditions and audit requirements are met. OEHS manages the DWSRF set-aside funds. The DWTRF program financial status is healthy with a principal and interest repayment stream from loans at $7,500,000 per year. The Administrative fee from loans has an annual income stream of $700,000 which would sustain the administrative staff in perpetuity. The administrative fee in this IUP was reduced from 0.5% to 0.25% since the administrative fee payments continue to exceed the annual cost of maintaining administrative oversight of the DWTRF program.

OTHER

A. Total Amount of Funds in the DWSRF (Construction & Set-Asides)

The amounts available for the DWSRF program are as shown in Tables 1, 2, and 3. Table 4 summarizes all incoming funds through June 2018 and shows the projected disbursed and obligated amounts through 2017.

TABLE 1. FUNDS AWARDED PRIOR TO STATE FISCAL YEAR 2017 (Construction & Set-Asides)

U.S. Environmental Protection Agency (Total from 1998 through and including 2017)*	$202,256,782
WV State Match – Infrastructure Council (Total from 1998 through and including 2017)	$36,537,757
WVDHHR: 10% Set-Aside State Match (Total from 1998 through and including 2017)	$13,476,600
SUB-TOTAL	$252,271,139
Loan Repayments (Principal only 2858) as of 12/31/17	$57,719,586
Admin. Fee plus Fee Investment Interest as of 12/31/17	$5,980,729
Interest (2858 Interest Repayment) Loans as of 12/31/17	$6,401,919
Interest Earnings (WVSTO Reinvestment Income 2858 & 2856) WV DWTRF as of 12/31/17	$3,905,857
TOTAL	$340,392,925

* Table 1 does not include the in-kind services for the following grants:

FS-99390003 - $10,000 for Northbridge Environmental Program Support (4%)
FS-99390006 - $134,176 for AWOP/PBT Contractor Support (10%)
2F-99390009 - $250,000 for TetraTech Support of ARRA Projects (4%)
FS-99390010-1 - $228,679 for TetraTech Support of Projects (4%)
FS-99390010-1 - $200,000 for Compliance/Enforcement Contractor Support (10%)
FS-99390011 - $224,458 for project administration & Compliance Support (4%)
FS-99390011 - $25,542 for Compliance & Enforcement support (10%)
FS-99390011 - $100,000 for AWOP/PBT support (15%)
FS-99390012 - $125,000 for Project Administration Contractor Support (4%)
FS-99390012 - $20,000 for AWOP/PBT Support (15%)
FS-99390013 - $175,000 for Project Administration Contractor Support (4%)
FS-99390014 - $400,000 for Source Water Protection (15%)
FS-99390014 - $200,000 for Capacity and Development (15%)
FS-99390015 - $300,000 for Source Water Protection (15%)
FS-99390015 - $200,000 for Capacity and Development (15%)

TABLE 2. FUNDS AWARDED DURING STATE FISCAL YEAR 2018 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390017) (Grant)	$8,241,000
WV State Match - Infrastructure Council (FS-993900017)	$1,648,200
WVDHHR: 10% Set-Aside State Match (FS-993900017) (Approp)	$747,500
TOTAL	**$10,636,700**

Table 2 includes (FS-99390017) $75,000 for Source Water Protection (15%) In-Kind Services

TABLE 3. FUNDS AWARDED DURING STATE FISCAL YEAR 2019 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390018) (Grant)	$11,107,000
WV State Match - Infrastructure Council (FS-993900018)	$2,221,400
WVDHHR: 10% Set-Aside State Match (FS-993900018) (Approp)	$647,500
TOTAL	**$13,975,000**

OTHER

TABLE 4. SET-ASIDE FUNDS DISBURSED OR PROJECTED THROUGH STATE FISCAL YEAR 2019 & CONSTRUCTION LOANS & COMMITMENTS THROUGH JUNE 2019 (Construction & Set-Asides)

(Table 4 "Cumulative Grant Funds Received Thru 6/30/2017" includes the in-kind services for the capitalization grants)

Set-Aside Funds	Cumulative Grant Funds Received Thru 6/30/2017	Additional Funds From FS-99390018	Minus In-Kind Services	Total Incoming Funds	Cumulative Funds Disbursed as of 12/31/17	Projected Disbursements From Jan '18 Thru June '19	Funds Remaining 6/30/2019
Administration (4%)	$6,763,376	$444,280	$1,013,137	$6,194,519	$5,566,307	$375,000	$253,212
Small Systems Technical Assistance (2%)	$3,595,491	$222,140	$0	$3,817,631	$3,392,991	$315,000	$109,640
Program Management Federal (10%)	$16,001,884	$1,300,000	$359,718	$16,942,166	$15,013,877	$1,600,000	$328,289
Program Management State Match (10%)	$14,031,632	$647,500	$0	$14,679,132	$12,737,740	$1,380,000	$561,392
Total Program Management	$30,033,516	$1,947,500	$359,718	$31,621,298	$27,751,617	$2,980,000	$889,681
Local Assistance (15%)	$23,873,130	$1,200,000	$1,286,300	$23,786,830	$21,470,081	$1,710,000	$606,749
Total Set-Aside Funds	$64,265,513	$3,813,920	$2,659,155	$65,420,278	$58,180,995	$5,380,000	$1,859,283
	Cumulative Construction Funds 6/30/2017	Construction Funds SFY2018 July 1, 2017 to Dec. 31, 2017	Projected Funds from January 2018 to June 2018	Projected Activity in SFY2019	Cumulative Construction Funds 6/30/2019		
Construction Assistance Funds From Cap Grant	$152,022,901	$5,458,468	$0	$7,940,580	$165,421,949		
20% State Match For Cap Grant	$36,537,757	$1,648,200	$0	$2,221,400	$40,407,357		
Loan Repayments (Principal Only)	$53,996,823	$3,722,763	$3,789,445	$7,600,000	$69,109,031		
Interest On Loans	$5,594,897	$385,832	$400,500	$802,000	$7,183,229		
Interest Earnings	$6,041,919	$360,000	$360,000	$720,000	$7,481,919		
Total Funds For Loans	$254,194,298	$11,575,263		$19,283,980	$289,603,486		
Closed Loans	$228,505,000	$300,000	$18,131,000	$16,000,000	$262,936,000		
Letters of Commitment	$0	N/A	$0	$0	$0		
Planned Future Letters of Commitment		0	$0	$26,667,486	$26,667,486		
Total Committed/Planned Funds	$0	$0	$0	$26,667,486	$26,667,486		
Funds Remaining To Be Committed	$0	$0	$0	$0	$0		
	Cumulative Administration Fees Thru 6/30/2017	Administration Fees SFY2018 July 1, 2017 to Dec. 31, 2017	Projected Fees from January 2018 to June 2018	Projected Fees in SFY 2019	Cumulative Administration Fees 6/30/2019		
Administrative Fees on DWTRF Assistance	$5,594,897	$385,832	$400,500	$802,000	$7,183,229		
Administrative Fees Withdrawals	$267,723	$29,311	$33,375	$75,000	$405,407		
Net Administrative Fees	$5,327,175	$356,521	$367,127	$727,000	$6,777,822		
Total Program Funds	$323,786,985	$15,745,704	$3,026,282	$85,431,258	$354,562,303		$8,637,105

B. Uses of the New Funds (Construction & Set-Asides)

Below in Table 5 is a summary of the amounts to be used for each activity. Any funds not used for set-aside activities will be used for construction projects. Please note that the DWTRF interest earnings are utilized to supplement the construction funds, specifically for project overruns, as necessary. Planned disbursement of these funds will be included in the payment schedule included in the grant application.

TABLE 5. USES OF NEW/REQUESTED FUNDS (Construction & Set-Asides)

Sources and Uses of Funds							
Uses of Funds	Federal Funds	Infrastructure Council Grant Match	State Program Match	Admin Fee/Admin Interest	Interest Earnings	Loan Repayments	Total
Administration	$444,280	$0	$0	$0	$0	$0	$444,280
Technical Assistance	$222,140	$0	$0	$0	$0	$0	$222,140
State Program Management	$1,300,000	$0	$647,500	$0	$0	$0	$1,947,500
Local Assistance	$1,200,000	$0	$0	$0	$0	$0	$1,200,000
Construction	$7,940,580	$2,221,400	$0	$0	$0	$0	$10,161,980
Total	$11,107,000	$2,221,400	$647,500	$0	$0	$0	$13,975,900

Notes to Table 5:

- Administrative Fees, Interest Earnings, and Loan Repayments are included in the grant application.
- Cash draws for loan disbursements will be proportional to the federal construction and matching state funds.
- There are no plans to transfer funds between the DWTRF and the Clean Water State Revolving Fund.

C. Types of Projects Funded

OEHS is proposing to fund six projects as described in Attachment 3. These projects include distribution system upgrades and extensions to new customers. Projects solely for economic growth or projects solely for fire protection are not eligible for DWTRF assistance.

D. Project Benefits Reporting (PBR) and National Information Management System (NIMS)

OEHS will report appropriate information into the PBR and NIMS systems as required by EPA. This IUP will be administered as required by the Operating Agreement between OEHS and EPA.

OTHER

IV. GOALS OF THE DWSRF

A. Short Term Goals

1) Increase source water protection for surface water by further developing a surface source water/early warning detection system: River Alert Information Network (RAIN) in the Monongahela River Basin and examine feasibility of duplicating that system into other drainage basins in West Virginia.

2) Support the Stream Gaging Network for the purpose of collecting steam flow data that is used to document variations in flow over time for various rivers in West Virginia. These data are used to develop more accurate flow models for future protection area generation and determining more accurate time of travel models for waterborne contaminants.

B. Long Term Goals

1) Provide the necessary infrastructure replacement, upgrade, and service with the overall goal of upgrading water quality for existing public water customers and providing water to new customers whose water currently does not comply with the SDWA or is unreliable. The DWTRF has a utilization goal of meeting or exceeding the national average and the average of EPA's Region 3 states by achieving a 2019 fund utilization goal of 95%.

2) Develop the DWTRF to ensure the long term perpetuity of the fund where after the initial capitalization years, the loan repayments in the fund will be used to finance additional projects.

3) Close the DWTRF loans to recipients within twelve months of a letter of binding commitment.

4) Continue implementation of the Capacity Development Strategy including assisting existing public water supplies in acquiring and maintaining the technical, managerial, and financial capacity to comply with the federal SDWA. Provide assistance to ensure that all new community water supplies and new non-transient non-community supplies have the technical, managerial, and financial capacity to comply with current regulations and those regulations likely to be in effect, when the system initiates operations.

5) Continue development, enhancement, and improvement of the PWSS through improved methodology and consistency of the sanitary surveys. This includes completion of a full complement of staffing in the district offices and implement an automated data collection system for laboratories to forward results to our agency.

6) Protect source water from future contamination through Source Water Assessment and Protection (SWAP) and Well Head Protection (WHP) programs.

7) Continue to implement an operator training continuing education program focusing on training course/instructor criteria and operator training requirements.

8) Continue to strive to minimize unliquidated obligations (ULOs) by expeditiously disbursing both set-aside and construction funds in a timely manner. The goal is to attain a half year or less balance for the 2%, 10% and 15% set-asides at the time a new grant is awarded. Set-aside amounts requested in this IUP are supportive of minimizing ULOs.

V. SET-ASIDE ACTIVITIES

In addition to the DWTRF construction fund, there are four "set-aside" or non-project accounts to be administered by OEHS. These separate accounts include Administration of the Loan Program, Technical Assistance, State Program Management, and Local Assistance. In addition to funding for staff expenses, there are also programs being undertaken to improve the health and safety of State water systems. These activities are described in more detail in the associated grant application work plan. The set-aside programs demonstrate compliance with the capacity development authority, capacity development strategy, and operator certification program provisions in order to avoid withholdings.

The different set-aside accounts are specified in the SDWA to enable the State to finance the cost of administering and managing the DWTRF program and supporting local public water systems. These accounts are described in more detail below.

The goals, objectives, methods, outputs, and outcomes for these set-asides are located in the grant work plan.

No In-Kind Service funds from this grant will be used.

A. Administration ($444,280)

The SDWA authorizes the State to use 4% of the Capitalization Grant for administration of the DWTRF program or the maximum based on three options listed below. Based on option #3, $444,280 is eligible from the grant for the administration set-aside.

Option #	Description	Calculation	Result
1	$400,000 Flat Rate	n/a	$400,000
2	1/5th of one percent of the current total net position of the fund	$163,214,025 X 0.002	$326,428
3	4 percent of grant	$11,107,000 X 0.04	$444,280

The State plans to use this set-aside for administration of the program. Administrative tasks include but are not limited to:

1) Developing legislation regarding issues related to the DWSRF.

2) Preparing the Capitalization Grant agreement.

3) Developing memorandums of understanding between federal and state agencies.
4) Reviewing West Virginia Infrastructure Council applications.
5) Preparing the IUP.
6) Providing project review, priority ranking procedures, environmental reviews, and required DWTRF project information coordination (project scheduling, advertisements, loan closure).
7) Providing project inspections, administration of the funds.
8) Tracking and accounting of the funds.
9) Auditing of the funds.
10) Processing payment requests, and managing loan repayments.
11) Assisting Compliance & Enforcement staff in providing monitoring.
12) Provide grants as available for planning and evaluation of proposed projects.

The DWTRF program will utilize the WDA, which already administers state-funded construction loans to public wastewater and water systems.

B. State Program Management ($1,300,000 – Federal; $647,500 - State Match Cash; (Includes $189,300 reduction of set-aside federal fund reserves)

The SDWA authorizes the state to use up to 10% from the federal Capitalization Grant to support the Public Water Supply Supervision (PWSS), Data Information System Management, PWS operator certification and programs. This year federal funds are requested from the reserve account. The federal funds will utilize $189,300 from the 10% set-aside reserves. It will support the water systems needing to improve their facilities and security through source water grants. The state match is made through state appropriations.

C. Technical Assistance ($222,140)

The SDWA authorizes the State to use up to 2% of each capitalization grant to provide technical assistance to small water systems. The full amount of the 2% is being requested. Small water systems are defined as those that serve less than 10,000 persons. These set-aside funds will be used for technical, financial, and managerial continuing education training of water system operators to meet their certification and training requirements. A contractor, meeting the state requirements, will coordinate the technical assistance program.

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D. Local Assistance and Other State Activities ($1,200,000)

The SDWA authorizes the State to use up to 15% of the federal capitalization grant for this set-aside, but no more than 10% may be used for any one activity. Only $1,200,000 is being requested for this set-aside and adds $466,050 to the construction fund for this grant. These set-aside funds will be used for the Capacity Development Program, the Wellhead Protection (WHP) Program and grants, to support the Interstate Commission on the Potomac River Basin (ICPRB), Data Information System Management, improving GIS capabilities, to support the River Alert Information Network (RAIN), an internet website for GIS support, and a stream gauge network for local waters. Working in conjunction with the Compliance and Enforcement Program, the Capacity Development Program will provide support to non-compliant systems not needing infrastructure investment.

VI. PUBLIC COMMENT PROCESS

The public comment process for this IUP is described in attachment 4.

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ATTACHMENT 1

DWTRF Project Priority Ranking System

System: _____ County: _____ Date_____

Project#:_____Project:_____ _____

DWTRF Project Priority Ranking System

(1) _____ **PUBLIC HEALTH** (0 to 50 points - 50 points maximum)

Up to fifty points may be given to a project for public health. The public health categories are listed below. A project may apply to several categories. In such cases, the project will be given the highest rating.

(A) _____ **Projects to correct acute health hazards** - (50 points) Fifty points will be given to projects that propose to eliminate a problem that poses an acute, ongoing health hazard to the consumer. Violations should be included in the Enforcement Tracking Tool (ETT). Examples are listed below.

- Projects that address documented nitrate or nitrite violations.
- Projects that address documented exceedances of primary inorganic MCL's
- Projects that address a problem where a system has significant turbidity violations. The project must ensure compliance to receive DWTRF assistance.
- Projects that address a problem where a system has significant microbiological violations. The project must ensure compliance to receive DWTRF assistance.
- Projects that propose filtration for surface water source that currently do not have filtration.
- Projects that propose disinfection for a system that currently do not have disinfection.
- Projects that address documented or potential water outages for extended periods (1 week or more) due to contamination or system/design deficiencies.

(B) _____ **Correct chronic health hazards** - (40 points) Forty points will be given to projects that propose to eliminate a chronic health hazard to the consumer. Examples are listed below.

- Projects that address occasional turbidity violations for a system that has a moderate ETT score.
- Projects that address occasional microbiological violations for a system that has a moderate ETT score.
- Projects that address exceedances of the Lead and Copper Rule.
- Projects that address documented exceedances of primary organic MCL's.

- Projects that address documented exceedances of radiological MCL's.
- Projects that address treatment technologies for the SWTR.
- Projects that address documented or potential water outages (1 to 6 days) due to contamination or system/design deficiencies.
- Projects that enhance source water protection to prevent widespread contamination throughout the distribution system via alternate water sources or additional storage.

(C). _____ **Correct periodic health hazards** - (30 points) Thirty points will be awarded to projects that propose to eliminate a documented health hazard which has occurred periodically. Examples are listed below.

- Projects that address low chlorine residuals.
- Projects that address periodic exceedances of a primary MCL.
- Projects that address periodic water outages to some customers for at least a day due to design or system deficiency.
- Projects to bring existing facilities to current design standards which affect water quality: treatment, chemical application, pumping facilities, finished storage and distribution systems.

(D) _____ **Correct potential health hazards** - (20 points) Twenty points will be given to projects that propose to eliminate potential health hazards. Examples are listed below.

- Projects for line extensions to areas with poor water quality or limited quantity.
- Projects to develop new source to augment existing sources where there is no other health hazard associated with the project. Dams and reservoirs are not eligible.
- Projects for installation / upgrade of waste disposal facilities.

(E) _____ **System Improvements** - (10 points) Ten points will be given to projects that propose general system improvements. Examples are listed below.

- Projects to replace / repair old, undersized, or malfunctioning equipment.
- Projects to replace leaking water line.
- Projects to improve aesthetic quality of the water such as iron, manganese, taste and odor.

(2) _____ **REGULATORY COMPLIANCE** (0 to 20 points, 20 points maximum)

(A)_____ Correction of chronic non-compliance - 20 points
Compliance with administrative orders, agreements, statutes, or regulatory requirements.

(B)_____ Compliance with periodic and potential non-compliance - 10 points
Compliance with sanitary survey recommendations, NPDES permits, new

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regulations, or design standards.

(C)_____ Protection against non-compliance -5 points
Compliance with proposed regulations.

(D)_____ Line extensions with documented cases of fecal coliform - 3 points

(3) _____ **AFFORDABILITY** (0 to 30 points) (Based on post-project user rates)

Rates = 0% to 0.49% MHI (0 points)
Rates = 0.50% to 0.99% MHI (5 points)
Rates = 1.00% to 1.24% MHI (10 points)
Rates = 1.25% to 1.49% MHI(15 points)
Rates = 1.50% to 1.74% MHI (20 points)
Rates = 1.75% to 1.99% MHI (25 points)
Rates $\geq$ 2.0% MHI (30 points)

Note: MHI = median household income by county or municipality as published by the West Virginia Infrastructure and Jobs Development Council (IJDC) at time of approval for funding by IJDC. If the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately the magisterial district census data may be used in place of the county census data.
Rates are based on 3,400 gallons.

Public Health	
Compliance	
Affordability	
Total Points	

Tie Breaker:
If two or more systems have the same score, the following will be used as the tie- breaker.

1. Whichever system has the highest public health rating will be ranked highest.

2. In the event there is still a tie, then the system with the smaller population served will be ranked higher.

Definitions

EPA -- Environmental Protection Agency
MCL -- Maximum Contaminant Level
MHI -- Median Household Income
ETT -- Enforcement Tracking Tool
SWTR -- Surface Water Treatment Rule

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ATTACHMENT 2

Project Priority List/Comprehensive List

WEST VIRGINIA 18DWTRFB PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

RANKING	SYSTEM	COUNTY	PROJECT NAME	PROJECT DESCRIPTION	UDC NUMBER	1½ PERCENT MHI	3400/4000 CURRENT	3400/4000 PROPOSED	AFFORD-ABILITY	DISADVAN-TAGED	DWTRF TERMS	NEW POPU-LATION	POINTS	HEALTH	COMPLIANCE	AFFORD-ABILITY	DWTRF FUNDING REQUESTED	TOTAL COST	BYPASS RATIONALE
1	Lashmeet PSD (WVAWC)	Mercer	Water Service to Matoaka	The project will provide a mainline from the Lashmeet PSD system and tie into the Town of Matoaka water system. The Matoaka water plant will be taken offline.	2018W-1729	$30.14	$49.24	$49.24	1.63	Yes	Principal Forgiveness	11,400	90	30	20	20	$911,714	$1,066,000	Project will be funded
2	*Boone County PSD (Frontier Water Company)	Boone	Frontier Road Phase II Waterline Extension Project	This project will extend water service to approximately 48 customers in the Frontier Area of Boone County. The project will consist of approximately 7 miles (35,000 LF) of water line, a booster pump station and a small water storage tank.	2017W-1711	$41.61	$49.24	$49.24	1.18	Yes	Principal Forgiveness	60	85	30	20	15	$600,000	$2,150,000	Project will be funded
3	City of Ronceverte	Greenbrier	Water system upgrade-Phase I	The project will replace the 250,000gal West End Tank and the 250,000gal Baker Hill Tank. 2.5 miles of water main will be replaced to reduce water loss.	2017W-1705	$49.41	$52.29	$55.17	1.15	Yes	0.75%, 0.5% Admin, 30 years, Principal Forgiveness	946	75	40	15	20	$3,500,000	$4,000,000	Project design has not started and is not ready for construction.
4	*Central Hampshire PSD	Hampshire	Water System Improvements	Green Spring Water Treatment Plant - A partial upgrade which includes a 14'x32' addition to the existing building to house new high service pumping, a laboratory and future space for an additional filter installation, a new roof room and sanitary sewer pressure service grinder pump and service line to the existing public gravity collection system. Springfield Rehabilitation – This portion of the project will include the rehabilitation of the Ravine Road pump house, the rehabilitation of the Route 28 booster station, and the replacement of approximately 12,810 LF of existing waterlines within the Springfield area. Green Cabin Extension – This portion of the project will include the installation of 6,500 LF of 6-inch mainline across the railroad right of way to provide service to a potential of 16 customers and open up this area for future development.	2017W-1715	$29.16	$33.72	$33.33	1.32	Yes	0.75%, 0.5% Admin, 30 years	1,066	70	30	15	10	$1,250,000	$3,065,000	Project will be funded
5	Verdant Valley PSD	Nicholas	Raw water line replacement and McCue Road extension	Raw water line replacement and McCue Road extension for 13 new customers	2018W-1737	$40.84	$44.52	$51.12	1.69	Yes	0.75%, 0.5% Admin, 30 years	1,413	50	30	10	20	$1,100,000	$7,193,110	Project design has not started and is not ready for construction.
6	Canaan Valley County	Webster	Cranberry Ridge & Ondey Mills Extension	This project will extend water service to 54 new customers in the areas of Cranberry Ridge and Ondey Mills. The project will include approximately 3.5 miles (17,900 LF) of 6" and 2" water mains, (1) booster pump station, (4) fire hydrants, and all necessary valves and appurtenances.	2018W-1447	$39.19	$44.42	$54.42	2.44	Yes	0.75%, 0.5% Admin, 30 years, Principal Forgiveness	701	45	20	5	20	$400,000	$1,188,000	Project design has not started and is not ready for construction.
7	New Haven PSD	Fayette	Connect 19 - Sandy [illegible]	Water line extension to [illegible]. Approximately 57 new customers.	2018W-1761	$57.61	$49.24	$52.89	1.75	Yes	1%, 0.25% Admin, 30 years	4,409	45	20	5	22	$2,455,123	$2,533,481	Project design has not started and is not ready for construction.
8	New Haven PSD	Fayette	Connect 19 - Ramsey Extension	Water line extension to Cane Branch, Ramsey, Mowser Rd., South Sutter Ridge, Arrowwood Rd., Dunns Ridge & Lower Paxton Ridge, Wyoming Road. Approximately 71 new customers.	2018W-1760	$57.21	$49.24	$51.22	1.92	Yes	1%, 0.25% Admin, 30 years	4,111	45	25	5	17	$3,923,130	$3,833,669	Project design has not started and is not ready for construction.
9	Lashmeet PSD (WVAWC)	Mercer	Alary Branch Water Extension	Extension of public water to the Alary Branch area of Mercer County, West Virginia. Approximately 43 new customers.	2018W-1771	$37.36	$43.24	$51.34	1.76	Yes	1%, 0.25% Admin, 30 years	127	40	20	0	20	$907,855	$2,055,000	Project design has not started and is not ready for construction.
10	*Tomlinson PSD	Hancock	New Water Treatment Plant and Distribution System Upgrades	This project proposes to build a new 0.6 MGD water treatment plant. The project will include a 250,000 gallon water storage tank, a 100,000 gallon water storage tank, 2 new booster pump stations, approximately 44,000 LF of 6-inch and smaller water line, and mixed sources line hydrants, valves and other appurtenances.	2017W-1641	$40.37	$31.18	$40.37	1.25	Yes	0.75%, 0.5% Admin, 30 years	2,012	40	20	5	15	$6,542,000	$6,542,000	Project will be funded

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WEST VIRGINIA 18DWTRFB PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

RANKING	SYSTEM	COUNTY	PROJECT NAME	PROJECT DESCRIPTION	UDC NUMBER	1½ PERCENT MHI	3400/4000 CURRENT	3400/4000 PROPOSED	AFFORD-ABILITY	DISADVAN-TAGED	DWTRF TERMS	NEW POPU-LATION	POINTS	HEALTH	COMPLIANCE	AFFORD-ABILITY	DWTRF FUNDING REQUESTED	TOTAL COST	BYPASS RATIONALE
11	Town of Elizabeth	Wirt	Munday Extension	This project extends water service to approximately 100 new customers at the Munday Road, Fish Hatchery Road, Enterprise Road and the Creston areas. The project includes approximately 10 miles (53,000 feet) of 6-inch distribution line, one (1) – 40 GPM booster pump station, 41 gate valves, 37 fire hydrants and other appurtenances.	2018W-1735	$46.99	$49.06	$50.66	1.55	Yes	0.75%, 0.5% Admin, 30 years, Principal Forgiveness	2,241	40	20	0	20	$3,000,000	$3,600,000	Project design has not started and is not ready for construction.
12	*Salt Rock PSD (WVAWC)	Cabell	Waterline Extension 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, Cavil Creek and Fannings Road areas of Cabell County. The project will consist of approximately twelve (12) miles of 2" through 8" water line, one hundred and six (106) meter settings, twenty-eight (28) fire hydrants and all necessary valves and appurtenances.	2017W-1716	$56.34	$49.24	$55.16	1.72	Yes	0.75%, 0.5% Admin, 30 yrs, Principal Forgiveness	14,550	40	20	0	20	$5,754,000	$5,868,000	Project will be funded
13	*Town of Oceana	Wyoming	Water System Improvements	This project will replace waterlines along Route 10 and Route 85, replace three (3) storage tanks, and make WTP upgrades that include replacing high service pumps, replacing raw water pumps, install VFDs on backwash pumps, replace filter media, install telemetry, and install an emergency generator.	2017W-1675	$31.24	$39.33	$49.15	1.71	Yes	0.75%, 0.5% Admin, 30 years, Principal Forgiveness	2,672	40	10	10	20	$5,333,000	$7,049,000	Project will be funded
14	Greenbrier County PSD #2	Greenbrier	Charmco to Rupert Extension	This project extends water service to approximately 118 new customers from Charmco to Rupert. The project includes approximately 4.5 miles (23,400 feet) of 2-inch to 8-inch distribution line, one (1) – pressure reducing station, one (1) 50,000-gallon water storage tank, 19 gate valves, 15 fire hydrants, 10 flushing hydrants and other appurtenances.	2018W-1745	$41.34	$44.29	$59.65	1.65	Yes	0.75%, 0.5% Admin, 30 years, Principal Forgiveness	1,390	35	20	0	15	$2,250,000	$7,750,000	Project design has not started and is not ready for construction.
15	Craigsville PSD	Nicholas	Water Treatment Plant and Distribution System Upgrades	This project will upgrade the existing water treatment plant to 900 gpm and installing a dedicated waterline from the water treatment plant to existing elevated water storage tanks. The project will consist of a new raw water intake screen and hydraulic system, new water pump station, flocculation, sedimentation basin, filter equipment, backwash waste pump station, chemical feed system, painting four (4) existing water tanks, approximately 5 miles of 12" water line, and all necessary appurtenances.	2015W-1590	$52.51	$29.15	$36.44	1.40	Yes	0.75%, 0.5% Admin, 30 years, Principal Forgiveness	1,815	35	10	10	15	$2,311,000	$8,686,000	Project design has not started and is not ready for construction.
16	Town of Fort Ashby	Mineral	Water Treatment Plant and Distribution System Upgrades	This project proposes to make improvements to the Horseshoe Heights water treatment plant including the raw water intake. Portions of the distribution system of both the Horseshoe Heights and Fort Ashby systems will be replaced to help reduce the high unaccounted water loss. Four existing tanks need to be cleaned and two others tanks will need to be painted, as well as correct any identified deficiencies in the latest Sanitary Survey.	2018W-1756	$62.31	$18.12	$12.32	1.25	Yes	0.75%, 0.5% Admin, 30 years	4,996	35	10	10	15	$4,500,000	$4,500,000	Project design has not started and is not ready for construction.
	The projects denoted with an asterisk (*) indicate that they were evaluated at 3,400 gallons of monthly usage. All remaining projects were evaluated using 4,000 gallons of monthly usage.																		
	Central Hampshire PSD, Salt Rock PSD and Boone County PSD (Frontier WL Extension) were evaluated using 2013 Census Data.																		

ATTACHMENT 3

Funding List Detailed Description With
– Green Project Reserve
– Additional Subsidization

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2018 Funding List Detailed Description

RANKING	SYSTEM	PROJECT DESCRIPTION	DWTRF TERMS	POPULATION	ESTIMATED DATE OF CONSTRUCTION	GREEN PROJECT DESIGNATION	GREEN PROJECT RESERVE	PRINCIPAL FORGIVENESS	TOTAL DWTRF ASSISTANCE FROM GRANT	TOTAL PROJECT COST
1	Lashmeet PSD (WVAWC)	This project will provide a mainline from the Lashmeet PSD system and tie into the Town of Matoaka water system. The Matoaka water plant will be taken offline. THIS PROJECT HAS BEEN DETERMINED TO BE AN EMERGENCY PROJECT SINCE THE TOWN OF MATOAKA HAS DISSOLVED ITSELF.	Principal Forgiveness	12,400	September-18	N/A	$0	$315,704	$315,704	$2,529,000
4	Central Hampshire PSD	Green Spring Water Treatment Plant - A partial upgrade 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 test 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. 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 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. Graces Cabin Extension – This portion of the project will include the installation of 4,300 LF of 6-inch mainline across the railroad right of way to provide service to a potential of 10 customers and open up this area for future development.	0.75%, 0.5% Admin., 30 yrs, Principal Forgiveness	1,046	December-18	N/A	$0	$550,000	$1,250,000	$3,005,000
10	Tomlinson PSD	This project proposes to build a new 640 GPM water treatment plant. The project will include a 250,000 gallon water storage tank, a 100,000 gallon water storage tank, 2 new booster pump stations, approximately 44,000 LF of 8-inch and smaller water line, and miscellaneous fire hydrants, valves and other appurtenances	0.75%, 0.5% Admin., 30 years	2,012	November-18	N/A	$0	$0	$3,500,000	$6,542,000
12	Salt Rock PSD	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. 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	0.75%, 0.5% Admin., 30 yrs, Principal Forgiveness	2,765	December-18	N/A	$0	$722,616	$1,500,000	$3,660,000
13	*Town of Oceana	This project will replace waterlines along Route 10 and Route 85, replace three (3) storage tanks, and make WTP upgrades that include replacing high service pumps, replacing raw water pumps, install VFD's on backwash pumps, replace filter media, install telemetry, and install an emergency generator.	0.75%, 0.5% Admin., 30 yrs, Principal Forgiveness	2,672	December-18	N/A	$0	$800,000	$3,596,276	$6,500,000
Total							$0	$2,388,320	$10,161,980	$22,236,000

2018 Capitalization Grant Amount: $11,107,000

$0	$2,221,400	$10,161,980
No Green Project Reserve Required	20% Minimum Principal Forgiveness Required	Total Amount of Grant Construction Funds Available

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ATTACHMENT 4

Public Comment Process/Response

JULY 1, 2018 – JUNE 30, 2019

***DRAFT* INTENDED USE PLAN**

PUBLIC COMMENT PROCESS

The public comment for this IUP will be during the period of January 25, 2019 through February 25, 2019. OEHS will post the IUP on the website and make it available at all district offices and the central office. The draft IUP will be sent to key stakeholders for comment. A public notice will be published in the West Virginia Register (State Register) on January 25, 2019 concerning the web posting and public comment period. A public meeting will be held on February 20, 2019 at 3pm in the OEHS central office to receive public comments.