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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Education (126-079)	Public Charter Schools (3300) Legislative Exempt	§§29A-3B-1 et seq.	Written Comments Only January 14, 2020, 4:00 pm Sarah Stewart, Gov. Affairs Counsel WVDE Office of Legal Services Capitol Building 6, Room 362 1900 Kanawha Blvd. E. Charleston, WV 25305 sarah.a.stewart@k12.wv.us
Education (126-118)	Athletic and Limited Football Trainers in the Public Schools of West Virginia (5112) Legislative Exempt	§§29A-3B-1 et seq.	Written Comments Only December 16, 2019, 4:00 pm Brad A. Fittro, Coordinator WVDE Office of Certification Capitol Building 6, Suite 700 1900 Kanawha Blvd. E. Charleston, WV 25305 bfittro@k12.wv.us
Education (126-161)	Regulations for Alternative Certification Programs for the Education of Teachers (5901) Legislative Exempt	§§29A-3B-1 et seq.	Written Comments Only December 16, 2019, 4:00 pm Robert Mellace, Coordinator WVDE Office of Professional Preparation, Recruitment, and Retention Capitol Building 6, Suite 700 1900 Kanawha Blvd. E. Charleston, WV 25305 rmellace@k12.wv.us

NEW EMERGENCY RULES FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR HEARING
Health and Human Resources (69-14, amendment)	Collection and Exchange of Data Related to Overdoses	§16-5T-5	ERD by January 2, 2020	July 17, 2019

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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	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	31	DIETITIANS
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
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TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
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TITLE	143	PERSONNEL
TITLE	144	TOURISM
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TITLE	178	RACING COMMISSION
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TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	6/7/2019 8/22/2019	7/8/2019 9/22/2019		7/23/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 11/8/2019			
Acupuncture (32-04)	Fees of the Board of Acupuncture Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Acupuncture (32-14)	Auricular Detoxification Therapy Certificate Legislative	6/13/2019	7/14/2019	6/13/2019 Effective 7/25/2019	7/22/2019	Modified & Approved 9/26/2019 Filed 10/17/2019			
Acupuncture (32-15)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Acupuncture (32-16)	Consideration of Prior Criminal Convictions In Initial Licensure Determinations Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/14/2019			
Administration (148-12)	Rules for the General Administration of Records Management and Preservation Legislative	6/24/2019	7/24/2019		7/26/2019	Approved 10/24/2019			
Administration (148-13)	Rules for Retention and Disposal Scheduling Legislative	6/24/2019	7/24/2019		7/26/2019	Approved 10/24/2019			
Administration (148-14)	Rules for the Management of Records Maintained by the Records Center Legislative	6/24/2019	7/24/2019		7/26/2019	Appoved 10/24/2019			
Administration (148-23)	Exemptions from Management Services Provided by the Fleet Management Division Legislative	5/3/2019	6/3/2019	4/5/2019 Effective 5/17/2019	7/8/2019	Approved 10/24/2019			
Administration (148-24)	Financial Services Reporting Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019			
Agriculture (61-01)	Animal Disease Control Legislative	6/21/2019	7/22/2019		7/22/2019				
Agriculture (61-10)	Fresh Food Act Legislative	6/26/2019	7/26/2019	7/31/2019 Approved 8/2/2019	7/26/2019				

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-11B)	Auctioneers Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Agriculture (61-13A)	Poultry- Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication Legislative	6/11/2019	7/10/2019		7/11/2019	Approved 9/26/2019			
Agriculture (61-20)	Employment Reference and Inquiries and Background Checks Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Agriculture (61-24)	West Virginia Spay Neuter Assistance Program Legislative	6/26/2019	7/26/2019		7/26/2019				
Agriculture (61-29)	Industrial Hemp Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-30)	Hemp Products Legislative	6/21/2019	7/22/2019		7/26/2019				
Agriculture (61-34)	Captive Cervid Farming Legislative	6/21/2019	7/22/2019		7/22/2019	Approved 9/26/2019			
Agriculture (61-38)	Farmers Markets Legislative	6/24/2019	7/24/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/5/2019	7/9/2019		7/19/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/5/2019	7/9/2019		7/19/2019	Approved 9/26/2019			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Architects (2-01)	Registration of Architects Legislative	6/5/2019 8/22/2019	7/9/2019 9/22/2019		7/16/2019 9/24/2019	Modified & Approved 11/17/2019 Filed 11/18/2019			
Architects (2-03)	Fees for Registration of Architects Legislative	6/5/2019	7/9/2019		7/16/2019	Modified & Approved 11/17/2019 Filed 11/18/2019			
Auditor (155-06)	Local Government Purchasing Card Program Legislative	5/21/2019	6/20/2019		7/8/2019	Approved 10/24/2019			
Chiropractic Examiners (4-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Chiropractic Examiners (4-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/5/2019	9/9/2019		9/10/2019	Modified & Approved 11/17/2019 Filed 11/18/2019			
Coal Mine Health and Safety (36-01)	Rules and Regulations Governing Approvals and Permits, Explosives and Ventilation For The Construction of Shaft And/Or Slope Operations In The State Of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-03)	Rules and Regulations Governing The Certification and Statutory Duties of Shaft And/Or Slope Superintendent Examiner Foreman and Examiner Foreman Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-04)	Rules and Regulations Governing The Movement of Mining Equipment Within Coal Mines In The State of West Virginia Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-06)	Longwall Mining Legislative Exempt	9/5/2019	10/21/2019						
Coal Mine Health and Safety (36-07)	Rules and Regulation Governing Shortwall Mining Within The State of West Virginia Legislative Exempt	10/15/2019	11/25/2019						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Coal Mine Health and Safety (36-08)	Rules and Regulations Governing The Right of A Miner to Refuse To Operate Alleged Unsafe Equipment Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-11)	Rules and Regulations Governing When Underground Mine Foreman-Boss Required; Assistants;Certifications; The Reopening of Abandoned Mines and the Deenergization of Self-Propelled Electric coal Feeders; Performance Requirements Legislative Exempt	10/15/2019	11/25/2019						
Coal Mine Health and Safety (36-12)	Rules and Regulations Governing Electrical Provisions for Underground Mining Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-13)	Rules and Regulations Governing The Authority, Accountability, and Responsibility of Underground Mine Foreman; Responsibility of Operator In Relation To Mine Foreman; And Regulatory Review Procedures Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-15)	Rules and Regulations Governing Ventilation By Use Of Mechanically Operated Fans and Intentional Changes In The Ventilation System Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-16)	Rules and Regulations GoverningThe Blocking Of Equipment Prior To Performing Working On Such Equipment Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-17)	Rules and Regulations Governing Unused and Abandoned Parts of Mine Legislative Exempt	10/11/2019	11/25/2019						
Coal Mine Health and Safety (36-18)	The Responsibility For Care and Maintenance of Equipment Legislative Exempt	10/24/2019	12/9/2019						
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Community and Technical College Education (135-08)	West Virginia Invests Grant Program Legislative	4/29/2019	5/30/2019	4/29/2019 Effective 4/29/2019	6/3/2019	Approved 10/4/2019			
Community and Technical College Education (135-14)	Holidays Procedural	10/29/2019	12/02/2019						
Conservation Agency (63-03)	State Conservation Committee Grant Program Legislative	5/30/2019	6/29/2019		7/10/2019	Approved 10/24/2019			
Counseling (27-13)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/10/2019	7/10/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/9/2019			
Dentistry, WV Board of (5-01)	Rule for the West Virginia Board of Dentistry Legislative	5/31/2019 7/26/2019	7/1/2019 8/26/2019		7/19/2019 9/20/2019	Approved 11/17/2019			
Dentistry, WV Board of (5-08)	Dental Advertising Legislative	5/31/2019	7/1/2019		7/19/2019	Modified & Approved 11/17/2019 Filed 11/18/2019			
Development Office (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/17/2019	7/17/2019	7/18/2019 Approved 7/30/2019	7/18/2019	Modified & Approved 11/17/2019			
Dietitians (31-01)	Licensure and Renewal Requirements Legislative	7/29/2019	8/29/2019		8/30/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Dietitians (31-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/24/2019	7/25/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Education (126-079)	Public Charter Schools (3300) Legislative Exempt	11/15/2019	1/14/2020						
Education (126-092)	West Virginia School Bus Transportation Regulations, Procedures, and Specifications for the Design and Equipment of School Buses (Policy 4336) Legislative Exempt	10/10/2019	11/12/2019						

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Education (126-118)	Athletic and Limited Football Trainers in the Public Schools of West Virginia (5112) Legislative Exempt	11/15/2019	12/16/2019						
Education (126-161)	Regulations for Alternative Certification Programs for the Education of Teachers (5901) Legislative Exempt	11/15/2019	12/16/2019						
Election Commision (146-01)	Corporate and Membership Organization Political Activity Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019			
Election Commission (146-03)	Regulation of Campaign Finance Legislative	6/6/2019	7/10/2019	6/6/2019 Effective 7/18/2019	7/26/2019	Modified & Approved 11/17/2019			
Environmental Protection - Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 11/17/2019			
Fire Commission (87-01)	State Fire Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Fire Commission (87-04)	State Building Code Legislative	6/13/2019	7/16/2019		7/25/2019				
Forestry (22-02)	Sediment Control During Commerical Timber-Harvesting Operations-Licensing Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019	Approved 11/17/2019			
Forestry (22-03)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification Legislative	6/26/2019	7/26/2019	6/26/2019 Effective 8/7/2019	7/26/2019	Approved 11/17/2019			
Funeral Service Examiners (6-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019	7/18/2019		7/23/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Funeral Service Examiners (6-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019			
Health (64-03)	Public Water Systems Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-30)	Fees for Permits Legislative	6/14/2019	7/15/2019		7/16/2019				
Health (64-32)	Vital Statistics Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019			
Health (64-48)	Emergency Medical Services Legislative	6/14/2019	7/15/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/4/2019			
Health (64-70)	Primary Care Center Uncompensated Care Grants Legislative	6/21/2019	7/22/2019		7/25/2019				
Health (64-71)	Primary Care Seed Money Grants Legislative	6/26/2019	7/26/2019		7/26/2019				
Health (64-109)	Medical Cannabis Program General Provisions Legislative	6/21/2019	7/22/2019	4/3/2018 Effective 4/3/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-110)	Medical Cannabis Program Grower/Processors Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-111)	Medical Cannabis Program Laboratories Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			
Health (64-112)	Medical Cannabis Program Dispensiaries Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/4/2019			

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-113)	Medical Cannabis Program Safe Harbor Letter Legislative	6/21/2019	7/22/2019	4/4/2018 Effective 4/4/2018 Amendment 9/12/2019 Effective 9/12/2019	7/24/2019				
Heath and Human Resources (69-14)	Collection and Exchange of Data Related to Overdoses Legislative	6/17/2019	7/17/2019	6/19/2019 Effective 7/31/2019 Amendment 11/21/2019 ERD by 1/2/2020	7/22/2019	Modified & Approved 11/17/2019 Filed 11/21/2019			
Health Care Authority (65-09)	Critical Access Hospitals Legislative	6/13/2019	7/15/2019		7/16/2019	Modified & Approved 11/17/2019			
Hearing Aid Dealers (8-04)	Application for Waiver of Initial Licensing Fee for Certain Individuals Legislative	6/24/2019	7/24/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/21/2019			
Hearing Aid Dealers (8-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/7/2019			
Higher Education Policy Commission (133-03)	Higher Education Report Card Legislative	6/17/2019	7/17/2019		9/30/2019				
Higher Education Policy Commission (133-14)	Holidays Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Higher Education Policy Commission (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019				
Higher Education Policy Commission (133-40)	Equal Opportunity and Affirmative Action Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019			
Higher Education Policy Commission (133-54)	Campus Safety Procedures Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Commission (133-61)	Choose West Virginia Practice Program Procedural	9/30/2019	10/30/2019					10/31/2019	12/1/2019
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019		7/29/2019				
Highways (157-07)	Transportation of Hazardous Wastes Upon the Roads and Highways Legislative	6/26/2019	7/26/2019		7/26/2019				
Highways (157-13)	Small Wireless Facilities on Division of Highways Rights-of-Way Legislative	6/27/2019	7/29/2019		7/29/2019				
Human Services (78-02)	Child Placing Agencies Licensure Legislative	6/17/2019	7/17/2019	8/16/2019 Effective 9/27/2019	7/26/2019				
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia Legislative	6/18/2019	7/18/2019	8/16/2019 Effective 9/27/2019	7/26/2019				
Human Services (78-24)	Qualifications for a Provisional License to Practice As A Social Worker Within the Department of Health and Human Resources Legislative	6/18/2019	7/18/2019		7/24/2019	Modified & Approved 11/17/2019			
Human Services (78-26)	Pilot Program for Drug Screening of Applicants for Cash Assistance Legislative				9/4/2019 Sunset Extension	Approved 11/17/2019			
Insurance Commission (114-24)	Medicare Supplement Insurance Legislative	6/10/2019	7/10/2019		7/26/2019	Approved 10/24/2019			
Insurance Commission (114-40)	Credit for Reinsurance Legislative	2/8/2019	3/25/2019	1/18/2019 Effective 3/1/2019	3/26/2019	Modified & Approved 10/24/2019 Filed 10/29/2019			
Insurance Commission (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	9/18/2019	10/17/2019						
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Labor (42-34)	Regulation of Heating, Ventilating and Cooling Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019			
Landscape Architects (9-05)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/22/2019	9/22/2019		9/27/2019	Modified & Approved 11/17/2019 Filed 11/21/2019			
Massage Therapy Licensure Board (194-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/13/2019	7/14/2019		7/22/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Massage Therapy Licensure Board (194-06)	Consideration of Prior Criminal Convictions in Initial Licensure Determination Legislative	8/19/2019	9/19/2019		9/24/2019	Modified & Approved 10/24/2019 Filed 11/7/2019			
Medical Imaging and Radiation Therapy Tech. Bd. of Exam. (18-01)	WV Medical Imaging and Radiation Therapy Technology Board of Examiners Legislative	6/5/2019 8/26/2019	7/7/2019 9/27/2019		7/25/2019 9/27/2019	Modified & Approved 10/24/2019 Filed 10/31/2019			
Medicine (11-01B)	Licensure, Disciplinary and Compliant Procedures, Continuing Education, Physician Assistants Legislative	6/19/2019	7/19/2019	6/19/2019 Amendment 7/25/2019 Approved 7/30/2019	7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019			
Medicine (11-13)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/19/2019	7/19/2019		7/25/2019	Modified & Approved 9/26/2019 Filed 10/8/2019			
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/19/2019	7/19/2019	6/19/2019 Effective 7/31/2019	7/25/2019	Approved 11/17/2019			
Miners Health Safety and Training (56-22)	Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors Legislative	6/19/2019	7/19/2019	6/19/2019 Effective 7/31/2019	7/25/2019	Approved 11/17/2019			
Mining and Reclamation (38-02)	West Virginia Surface Mining Reclamation Rule Legislative	6/5/2019	7/8/2019		7/25/2019				
Mining and Reclamation (38-02F)	Groundwater Protection Rules Coal Mining Operations Legislative	6/5/2019	7/8/2019		7/25/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Motor Vehicles (91-15)	Safety and Treatment Program Legislative	7/17/2019	8/16/2019	7/16/2019 Approved 7/30/2019	8/19/2019	Modified & Approved 10/25/2019 Filed 11/6/2019			
Motor Vehicles (91-24)	State Vehicle Title, Registration and Relicensing Project of 2018 Legislative	6/27/2019	7/29/2019	6/27/2019 Effective 8/8/2019	7/29/2019	Approved 10/24/2019			
Natural Resources (58-12)	Commerical Whitewater Outfitters Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-16)	Transporting and Selling Wildlife Pelts and Parts Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-25)	Boating Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-26)	Special Boating Rules Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-28)	Special Requirements Concerning Boating Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-32)	Public Use of Campgrounds in West Virginia State Parks and State Forests, and Campsites in State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-34)	Special Projects and Grants for West Virginia State Parks, State Forests, and State Rail Trails Under the Division of Natural Resources Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-46)	Defining of Terms Used In All Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/24/2019	Approved 10/24/2019			
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/10/2019	7/10/2019		7/23/2019	Approved 10/24/2019			
Natural Resources (58-61)	Special Fishing Rule Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-62)	Catching and Selling Bait Fish Legislative	6/10/2019	7/10/2019		7/23/2019				
Natural Resources (58-65)	Falconry Legislative	6/10/2019	7/10/2019		7/24/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019						
Occupational Therapy (13-03)	Fees For Services Rendered By the Board Legislative	5/8/2019	7/1/2019		7/3/2019	Approved 9/26/2019			
Occupational Therapy (13-07)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/13/2019	7/1/2019		7/3/2019	Modified & Approved 9/26/2019 Filed 9/30/2019			
Occupational Therapy (13-08)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	10/30/2019	11/30/2019						
Oil & Gas Conservation Commission (39-01)	Rules of The Commission Legislative	6/14/2019	7/16/2019	6/14/2019 Withdrawn 7/26/2019	7/25/2019				
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/26/2019 8/29/2019	7/26/2019 9/29/2019		7/26/2019 10/1/2019	Modified & Approved 11/17/2019			
Osteopathic Medicine (24-02)	Osteopathic Phyician Assistants Legislative	6/28/2019	7/29/2019	6/28/2019 Amendment 7/31/2019 Approved 8/5/2019	7/31/2019	Modified & Approved 10/24/2019 Filed 11/14/2019			
Osteopathic Medicine (24-08)	Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants Legislative	6/28/2019	7/29/2019		7/30/2019	Modified & Approved 10/24/2019 Filed 11/14/2019			
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 11/17/2019			
Pharmacy (15-04)	Record Keeping and Automated Data Processing Systems Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Pharmacy (15-07)	Registration of Pharmacy Technicians Legislative	6/26/2019 8/15/2019	7/26/2019 9/16/2019		7/26/2019 10/11/2019	Modified & Approved 9/26/2019 Filed 10/11/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-12)	Immunizations Administered by Pharmacists and Pharmacy Interns Legislative	6/26/2019	7/26/2019		7/26/2019	Approved 9/26/2019			
Pharmacy (15-14)	Centralized Prescription Processing Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Pharmacy (15-15)	Regulations Governing Pharmacy Permits Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019			
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	8/15/2019	9/16/2019		10/10/2019	Modified & Approved 11/17/2019			
Pharmacy (15-18)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/26/2019	7/26/2019		7/26/2019	Modified & Approved 9/26/2019 Filed 10/11/2019			
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019			
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	8/30/2019	9/30/2019		9/30/2019	Modified & Approved 11/17/2019			
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019			
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019			
Physical Therapy (16-09)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/4/2019	7/5/2019		7/18/2019	Modified & Approved 11/17/2019			
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative	6/18/2019 8/19/2019	7/19/2019 9/18/2019		7/24/2019 9/20/2019	Modified & Approved 11/17/2019 Filed 11/18/2019			
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in West Virginia Legislative	6/4/2019 8/12/2019	7/9/2019 9/13/2019		7/15/2019 9/17/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019				
Public Defender Services (89-01)	Payment of Fees and Reimbursement of Expenses of Court-Appointed Attorneys Legislative	5/20/2019	6/21/2019	5/21/2019 Effective 7/2/2019	7/22/2019				
Public Service Commission (150-38)	Government of Pole Attachments Legislative Exempt	10/15/2019	11/14/2019						
Racing Commission (178-01)	Throughbred Racing Legislative	6/10/2019	7/10/2019		7/18/2019				
Real Estate Appraiser Licensing & Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/26/2019 8/6/2019	7/26/2019 9/6/2019		7/26/2019 9/9/2019	Modified & Approved 11/17/2019			
Real Estate Commission (174-06)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	5/31/2019	6/30/2019		7/2/2019	Modified & Approved 9/26/2019 Filed 10/7/2019			
Real Estate Commission (174-07)	Conisderation of Prior Criminal Convictions In Initial License Eligibility Determination Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 11/17/2019			
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Constituting Professional Misconduct Legislative	8/29/2019	9/30/2019		10/11/2019	Approved 11/17/2019			
Registered Professional Nurses (19-15)	Request for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/17/2019	8/17/2019		8/22/2019	Modified & Approved 9/26/2019 Filed 10/7/2019			
Respiratory Care (30-02)	Establishment of Fees Legislative	5/7/2019	6/7/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/1/2019			
Respiratory Care (30-09)	Student Temporary Permits Legislative	5/22/2019	6/24/2019		6/27/2019	Modified & Approved 9/26/2019 Filed 10/2/2019			
Respiratory Care (30-10)	Conideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	11/7/2019	12/9/2019						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Sanitarians (20-05)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	6/17/2019 8/29/2019	7/19/2019 9/29/2019		7/23/2019 11/1/2019				
School Building Authority of WV (164-05)	School Building Authority Contracts and Agreements; Post-Project Evaluation; Suspension of Right to Bid Legislative	11/4/2019	12/4/2019						
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	8/27/2019	9/26/2019		9/27/2019	Modified & Approved 10/24/2019 Filed 11/1/2019			
Social Work Examiners (25-03)	Fee Schedule Legislative	6/5/2019	7/5/2019		7/10/2019	Modified & Approved 9/26/2019 Filed 10/10/2019			
Speech-Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	5/14/2019	6/17/2019		6/28/2019	Modified & Approved 10/24/2019 Filed 11/4/2019			
Speech-Language Pathology and Audiology (29-04)	Disciplinary & Complaint Procedures for Speech-Language Pathology & Audiology Legislative	8/8/2019	9/13/2019		9/17/2019	Modified & Approved 10/24/2019 Filed 11/5/2019			
Tax (110-10F)	Payment of Taxes by Electronic Funds Transfer Legislative	6/13/2019	7/13/2019		7/15/2019	Approved 10/24/2019			
Tax (110-15C)	Consumers Sales and Service Tax and Use Tax Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per SE Exemption; Motor Vehicles Per SE Exemption Legislative	6/13/2019	7/13/2019		7/16/2019	Modified & Approved 10/24/2019 Filed 11/5/2019			
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	9/26/2019	10/26/2019						
Tax (110-43)	Special Valuation Method for Certain Wireless Technolgy Property Interpertive	7/3/2019	8/2/2019						
Tax (110-50C)	Exchange of Information Pursuant to Written Agreement Legislative	6/13/2019	7/13/2019		7/15/2019	Modified & Approved 10/24/2019 Filed 11/5/2019			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019				
Veterinary Medicine (26-03)	Registration of Veterinary Technicians Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Veterinary Medicine (26-06)	Schedule of Fees Legislative	5/30/2019 8/7/2019	7/7/2019 9/8/2019		7/11/2019 9/9/2019				
Waste Management, Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	6/5/2019	7/8/2019		7/25/2019	Approved 10/25/2019			

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11/18/2019 12:40:26 PM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Architects

RULE TYPE: Legislative TITLE-SERIES: 2-01

RULE NAME: 2-01 Registration of Architects

CITE AUTHORITY: W.Va. Code 30-12-1, 30-1-4, 30-1-24

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Emily B Papadopoulos -- 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.

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11/18/2019 11:43:40 AM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Architects

RULE TYPE: Legislative TITLE-SERIES: 2-03

RULE NAME: 02-03 Fees for Registration of Architects

CITE AUTHORITY: W.Va. Code 30-12-3, 30-1-4, 30-1-23

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Emily B Papadopoulos -- 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.

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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Chiropractic Examiners

RULE TYPE: Legislative TITLE-SERIES: 4-08

RULE NAME: Title 4, Series 8, Consideration of Prior Criminal Convictions in Initial Licensure Determinations

CITE AUTHORITY: W. Va. Code §30-1-24 and W. Va. Code §30-16-5

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Barbara L Johnson -- 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.

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11/18/2019 11:40:02 AM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Dentistry WV Board of

RULE TYPE: Legislative TITLE-SERIES: 5-08

RULE NAME: Dental Advertising

CITE AUTHORITY: W. Va. Code §30-4-6

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Susan Combs -- 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.

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-079

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Public Charter Schools (3300)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 01/14/2020 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sarah Stewart, Government Affairs Counsel

ADDRESS: WVDE Office of Legal Services, Capitol Bldg. 6, Room 362

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: sarah.a.stewart@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

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11/15/2019 11:39:27 AM
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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-118

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Athletic and Limited Football Trainers in the Public Schools of West Virginia (5112)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/16/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Brad A. Fittro, Coordinator

ADDRESS: WVDE Office of Certification, Capitol Bldg. 6, Suite 700

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: bfittro@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

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11/15/2019 11:37:34 AM

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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Education

TITLE-SERIES: 126-161

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Regulations for Alternative Certification Programs for the Education of Teachers (5901)

CITE STATUTORY AUTHORITY: W. Va. Code §§29A-3B-1, et seq.; W. Va. Board of Education v. Hechler, 180 W. Va. 451, 376 S.E.2d 839 (1988); and, W. Va. Bd. of Educ. V. Bd. of Educ., 239 W. Va. 705, 806 S.E. 2d 136 (2017)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 12/16/2019 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Robert Mellace, Coordinator

ADDRESS: WVDE Office of Professional Preparation, Recruitment, and Retention, Capitol Bldg. 6, Suite 700

1900 Kanawha Blvd., E, Charleston, WV 25305

EMAIL: rmellace@k12.wv.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

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11/21/2019 11:45:52 AM

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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Health And Human Resources

RULE TYPE: Legislative

TITLE-SERIES: 69-14

RULE NAME: Collection and Exchange of Data Related to Overdoses

CITE AUTHORITY: 16-5T-5

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes

Debra G Garnes -- 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.

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11/21/2019 9:23:19 AM
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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Landscape Architects

RULE TYPE: Legislative TITLE-SERIES: 9-05

RULE NAME: Consideration of Prior Criminal Convictions in Intial Licensure Determinations

CITE AUTHORITY: §30-1-24 and §30-22-7

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes
Kendra D Zamora – 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
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11/18/2019 12:36:47 PM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Professional Engineers

RULE TYPE: Legislative TITLE-SERIES: 7-01

RULE NAME: Examination, Licensure and Practice of Professional Engineers

CITE AUTHORITY: W.Va. Code 30-13-9, 13, 14, 15, 16, 17, 18, 19

The above proposed Legislative rules, following review by the Legislative Rule Making Review Committee, is hereby modified as a result of review and comment by the Legislative Rule Making Review Committee. The attached modifications are filed with the Secretary of State.

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

Yes
Lesley L Rosier-Tabor – 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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11/21/2019 12:03:37 PM

Office of West Virginia Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Health And Human Resources TITLE-SERIES: 69-14

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Collection and Exchange of Data Related to Overdoses

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

16-5T-5

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:

N/A

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 07/31/2019

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

N/A

PRIMARY CONTACT:

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 East

Charleston, West Virginia 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

FILED

2019 NOV 18 A 11: 14

LRMRC

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Emily Papadopoulos Emily.B.Papadopoulous@wv.gov
Board of Architects
405 Capitol Street
Mezzanine Suite 3
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Registration of Architects, 2-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. ____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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2019 NOV 18 A 11: 14

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Emily Papadopoulos Emily.B.Papadopoulos@wv.gov
Board of Architects
405 Capitol Street
Mezzanine Suite 2
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Registration of Architects, 2-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Barbara L. Johnson wvchiroboard@outlook.com
Board of Chiropractic Examiners
415 1/2 D Street, Suite B
P. O. Box 8532
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convicitions in Initial Licensure Determinations, 4-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Susan Combs WVBDE@suddenlinkmail.com
West Virginia Board of Dentistry
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Rule for the West Virginia Board of Dental Examiners, 5-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

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November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Susan Combs WVBDE@suddenlinkmail.com
West Virginia Board of Dentistry
PO Box 1447
Crab Orchard, WV 25827

From: Legislative Rule-Making Review Committee

Proposed Rule: Dental Advertising, 5-08

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair
James Fuerhoff, Director

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November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jack Rife Jack.M.Rife@wv.gov
Department of Commerce
1900 Kanawha Blvd. E.
Buidling 3, Suite 600
Charleston, WV 25305
Development Office

From: Legislative Rule-Making Review Committee

Proposed Rule: Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program, 145-15

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   (A) as originally filed ____
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Donald Kersey DKersey@wvsos.gov
Election Commission
State Capitol, Bldg. 1, Ste 157-K
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Corporate and Membership Organization Political Activity, 146-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Donald Kersey DKersey@wvsos.gov
Election Commission
State Captiol, Bldg. 1, Ste. 157-K
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulation of Campaign Finance, 146-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: John Meeks Dep.Comments@wv.gov
Department of Environmental Protection, Secretary's Office
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Voluntary Remediation and Redevelopment Rule, 60-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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James Fuerhoff, Director

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Tina Payne Tina.A.Payne@wv.gov
Forestry
7 Players Club Dr.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Sediment Control During Commercial Timber-Harvesting Operations - Licensing, 22-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Tina Payne Tina.A.Payne@wv.gov
Forestry
7 Players Club Drive
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Sediment Control During Commercial Timber-Harvesting Operations - Logger Certification, 22-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: X
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Collection and Exchange of Data Related to Overdoses, 69-14

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed: ____
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
Health Care Authority
One Davis Square
Suite 100, East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Critical Acces Hospitals, 65-09

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Qualifications for a Provisional License to Practice as a Socail Worker Within the Department of Health and Human Resources, 78-24

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: April L. Robertson April.L.Robertson@wv.gov
DHHR
One Davis Square, Suite 100 East
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Pilot Program for Drug Screening of Applicants for Cash Assistance, 78-26

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Kendra Zamora BoardofHearingAidDealers@frontier.com
Board of Landscape Architects
179 Summers Street, Suite 715
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 9-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Eugene White Eugene.E.White@wv.gov
Office of Miner's Health, Safety and Training
7 Players Club Drive, Suite 2
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Substance Abuse Screening, Standards and Procedures, 56-19

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ___X___
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Eugene White Eugene.E.White@wv.gov
Office of Miners' Health, Safety and Training
7 Players Club Drive, Suite 7
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules Governing the Certification, Recertification and Training of EMT-Miners and the Certification of EMT-M Instructors, 56-22

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: WV Board of Optometry WVbdopt@frontier.com
Optometry
179 Summers Street, Suite 231
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Rules of the West Virginia Board of Optometry, 14-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. ____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Licensure and Practice of Pharmacy, 15-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

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   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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SECRETARY OF STATE

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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Ryan Hatfield Ryan.L.Hatfield@wv.gov
Pharmacy
2310 Kanawha Blvd E.
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Regulations Governing Pharmacists, 15-16

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

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Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie S. Ramsey Nonnie.s.Ramsey@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: General Provisions for Physical Therapist and Physical Therapist Assistants, 16-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
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James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie S. Ramsey Nonnie.S.Ramsey@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Physical Therapist and Physical Therapist Assistant, 16-04

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonne Ramsey Nonnie.S.Ramsey@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: General Provisions for Atheltic Trainers, 16-05

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed _____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie S. Ramsey Nonne.S.Ramsey@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Athletic Trainers, 16-06

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
   - (B) as modified by the agency X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

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Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Nonnie Ramsey Nonnie.S.Ramsey@wv.gov
Physical Therapy
2 Players Club Drive, Suite 102
Charleston, WV 25311

From: Legislative Rule-Making Review Committee

Proposed Rule: Application for Waiver of Initial Licensing Fees for Certian Individuals, 16-09

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Lesley L. Rosier-Tabor, PE Lesley@wvped.org
Professional Engineers
300 Capitol Street,Suite 910
Charleston, West Virginia 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Examination, Licensure and Practice of Professional Engineers, 7-01

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jennifer Akers Jennifer.K.Akers@wvago.gov
Real Estate Appraiser Licensing & Certification Board
405 Capitol Street
Suite 906
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Licensure and Certification, 190-02

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed ____
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Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Jerry Forren Jerry.A.Forren@wv.gov
Real Estate Commission
300 Capitol Street, Suite 400
Charleston, WV 25301

From: Legislative Rule-Making Review Committee

Proposed Rule: Consideration of Prior Criminal Convictions in Initial License Eligibility Determination, 174-07

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Legislative Rule-Making Review Committee

Senator Mark Maynard, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

November 17, 2019

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Dr. Sue Painter Sue.A.Painter@wv.gov
Registered Professional Nurses
90 MacCorkle Avenue, SW, Suite 203
South Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct, 19-03

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature

1. Authorize the agency to promulgate the Legislative rule:
   - (A) as originally filed X
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Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-6-11721-X	**Health Care Authority**	West Virginia University Hospitals, Inc.	11/7/2019
19-1-11527-P	**Health Care Authority**	Appalachian Regional Healthcare, Inc.	11/14/2019
19-3-11722-X	**Health Care Authority**	Charleston Area Medical Center, Inc.	11/14/2019
19-7-11723-X	**Health Care Authority**	Holbrook RE Asset Co., LLC	11/15/2019
19-7-11724-X	**Health Care Authority**	Holbrook Leasing Co., LLC	11/15/2019
19-3-11733-X	**Health Care Authority**	Kanawha County Emergency Ambulance Authority	11/14/2019
19-1/3/4-11693-BH	**Health Care Authority**	NUSkool Scholars, LLC	11/15/2019
19-6/7-11595-Z	**Health Care Authority**	Personal Touch Home Care of W. Va., Inc.	11/14/2019
19-MAP-02005	**Insurance Commission**	Northland Insurance Company	11/6/2019

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2019-1773-WVSU	Ronald Eric Creasy	West Virginia State University	10/31/2019
2017-0966-WooED	Steve Fleak	Wood County Board Of Education	11/1/2019
2020-0174-KanED	Jamie Hayner	Kanawha County Board Of Education	11/1/2019
2017-1942-WooED	David Pahl	Wood County Board Of Education	11/1/2019
2017-2310-LewED	Sharon Powers	Lewis County Board Of Education	11/1/2019
2017-1415-WooED	Donald L. Reeves	Wood County Board Of Education	11/1/2019
2019-0303-TayED	Jerry P. Ross	Taylor County Board Of Education	11/1/2019
2019-0592-MAPS	Bryon Whetzel	Division of Corrections and Rehabilitation	11/1/2019
		Bureau of Prisons and Jails	11/1/2019
		Potomac Highland Regional Jail and Correctional Facility	11/1/2019
2017-2465-CONS	Barbara Keesler, et al.	Department Of Health And Human Resources	11/4/2019
		William R Sharpe Jr Hospital	11/4/2019
2019-1241-MAPS	Zachary Stephen Bibbee	Division of Corrections and Rehabilitation	11/6/2019
		Bureau of Prisons and Jails	11/6/2019
		Parkersburg Correctional Center and Jail	11/6/2019
2019-1273-DHHR	Tabitha Dix	Department Of Health And Human Resources	11/6/2019
		Jackie Withrow Hospital	11/6/2019
2019-1562-MerED	Larry R. Horton	Mercer County Board of Education	11/6/2019
2019-1521-CONS	Rebecca Harvey	Morgan County Board Of Education	11/7/2019
	Tami Barrett	Morgan County Board Of Education	11/7/2019
2019-0219-DOR	Tammy Frazie	Offices of the Insurance Commissioner	11/7/2019
2019-1572-DHHR	Rusty L. Wyatt	Department Of Health And Human Resources	11/7/2019
		Welch Community Hospital	11/7/2019
		Division Of Personnel	11/7/2019

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2019-0851-DOT	**Reza H. Miri**	Division of Highways	11/12/2019
2020-0417-DHHR	**Bradley Burke**	Department Of Health And Human Resources	11/15/2019
2020-0395-HanED	**Denise L. Chappell**	Hancock County Board Of Education	11/15/2019
2019-1727-DOT	**Barbara Ann Crossan**	Division of Highways	11/15/2019
2017-0134-WooED	**Russell Deaton**	Wood County Board Of Education	11/15/2019
2020-0044-GilED	**Tina Foster**	Gilmer County Board Of Education	11/15/2019
2020-0498-MorED	**Brenda Gloyd**	Morgan County Board Of Education	11/15/2019
2019-1571-MAPS	**Brenda G. Grose**	West Virginia State Police	11/15/2019
2020-0188-MAPS	**Kayli Nikole Hudson**	Division of Corrections and Rehabilitation	11/15/2019
		Bureau of Juvenile Services	11/15/2019
		James H "Tiger" Morton Juvenile Center	11/15/2019
2020-0020-MU	**John David Jones**	Marshall University	11/15/2019
2020-0515-RanED	**Kelsey Longbon**	Randolph County Board Of Education	11/15/2019
2019-1551-CONS	**Michael Murphy**	Roane County Board Of Education	11/15/2019
	Randy Young	Roane County Board Of Education	11/15/2019
2020-0518-UpsED	**Cheryl Reger**	Upshur County Board Of Education	11/15/2019
2020-0497-MorED	**Sharon Roach**	Morgan County Board Of Education	11/15/2019
2020-0277-DOC	**Diane E. Sanders**	Division Of Rehabilitation Services	11/15/2019
2019-0595-WVU	**Margaret Stout**	West Virginia University	11/15/2019
2019-1177-DOT	**Joshua Yates**	Division of Highways	11/15/2019

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

CHARLESTON

EXECUTIVE ORDER NO. 6-19

BY THE GOVERNOR

WHEREAS, the Legislature of the State of West Virginia (the "State") adopted House Concurrent Resolution No. 104 (the "Resolution") on the 23rd day of July, 2019, in conjunction with the "Roads To Prosperity Amendment of 2017" (Constitutional Amendment passed October 2017), and chapter seventeen, article twenty-six-a (the "Act") of the Code of West Virginia, One Thousand Nine Hundred Thirty-One, as amended (the "Code"), all relating to authorizing the governor (the "Governor") to incur indebtedness during the fiscal year ending June 30, 2020, not to exceed six hundred million dollars ($600,000,000) to match available federal funds for highway and bridge construction and for general highway and secondary roads and bridge construction or improvements in each of the fifty-five counties of the State; and

WHEREAS, the Resolution includes authorization for the issuance of both the $200 million of state road bonds authorized to be issued during the fiscal year ending June 30, 2020, and the $400 million of state road bonds authorized to be issued during the fiscal year ending June 30, 2019, but not issued and carried forward to the fiscal year ending June 30, 2020; and

WHEREAS, pursuant to Senate Concurrent Resolution No. 301 (2017), in conjunction with the "Roads To Prosperity Amendment of 2017" (Constitutional Amendment passed October 2017), and the Act, the State previously issued its $167,600,000 General Obligation State Road Bonds, Series 2018 A and its $632,400,000 General Obligation State Road Bonds, Series 2018 B (together, the "Prior Bonds") on June 7, 2018; and

WHEREAS, pursuant to the Resolution, it is necessary and desirable for the State to issue its General Obligation State Road Bonds, Series 2019 A (the "Bonds"); and

WHEREAS, the Bonds will be sold to the lowest true interest cost bidders (the "Bid Buyers") pursuant to a competitive bid scheduled to be opened on December 3, 2019 (the "Sale Date"); and

WHEREAS, the terms of the Bonds will be approved in a subsequent Executive Order entered by me, as Governor, and dated the Sale Date (the "Subsequent Order"); and

WHEREAS, the proceeds of the sale of the Bonds to the Bid Buyers (plus any original issue premium and less any original issue discount) shall be deposited into a separate subaccount in the State Road Fund held in the Treasury and shall be used as provided in the Act; and

WHEREAS, certain action is required of me, as Governor, in order for the Bonds to be issued and sold.

NOW, THEREFORE, I, JIM JUSTICE, GOVERNOR, pursuant to and by the authority vested in me as the Chief Executive Officer of this State, do hereby **FIND, DETERMINE** and **ORDER** that:

Section 1. Findings. The issuance of the Bonds as herein below provided will enable the State to match available federal highway and bridge funds and construct and provide for general highways and secondary road and bridge construction or improvements in the fifty-five counties consistent with the best interests of the people of, and business and industry in, the State.

Section 2. Issuance of the Bonds. The issuance of the Bonds on behalf of the State in the aggregate principal amount not to exceed $600,000,000 and dated the date of delivery is hereby authorized and approved. The Bonds shall be sold in one series and designated "State of West Virginia General Obligation State Road Bonds, Series 2019 A". The Bonds shall be numbered AR-1 upward and shall be issued in denominations of $5,000 or any integral multiple thereof, in fully registered form and initially issued in book-entry form and registered to Cede & Co. as nominee for The Depository Trust Company ("DTC"). Interest on the Bonds is payable on each June 1 and December 1 (each an "Interest Payment Date"), commencing June 1, 2020. The respective interest rates per annum and the maturity schedule and provisions for payment or redemption for the Bonds shall be set forth and approved in the Subsequent Order. The Bonds

shall finally mature as set forth in the Subsequent Order. The form of the Bonds shall be set forth as an attachment to the Subsequent Order, and approved thereby; the Bonds shall be executed by the manual or facsimile signature of the Governor and attested by the manual or facsimile signature of the Secretary of State, and the great seal of the State of West Virginia shall be impressed or imprinted thereon; and the Bonds shall be delivered to United Bank, as Co-Registrar and Authenticating Agent, Charleston, West Virginia (the "Co-Registrar"), for registration, authentication and delivery as provided herein. The validity of any Bond so executed shall not be affected by the fact that one or more of the officers whose signatures appear on such Bond have ceased to hold office at the time of issuance or authentication or at any time thereafter. The Resolution and the Act designate the Treasurer of the State as the Paying Agent, and he is hereby designated as the Registrar (the "Paying Agent" or the "Registrar").

Section 3. The Bonds. The Bonds shall contain a recital that they are issued pursuant to the Act and shall be secured by the pledge set forth in the Act. The Bonds are general obligations of the State and are payable as to principal and interest from the Roads to Prosperity Bond Debt Service Fund and as set forth in the Act. The Bonds and the interest thereon shall be deemed to be general obligations or debts of the State within the meaning of the constitution of the State, and the credit or taxing power of the State are pledged therefor.

Section 4. General Provisions Relating to the Bonds.

(A) Issuance of Bonds. Upon the execution of the Bonds, they shall be delivered to the Co-Registrar for authentication. The Co-Registrar shall authenticate and deliver the Bonds to or as directed by the Bid Buyers, upon receipt by the Co-Registrar of the following:

(a) a request and authorization by the State to the Co-Registrar to authenticate and deliver the Bonds to or as directed by the Bid Buyers identified in such request and authorization;

(b) evidence of delivery to the State Treasury of immediately available funds in an amount equal to the sum specified in such request and authorization;

(c) a copy, certified by the Secretary of State, of this Order and the Subsequent Order; and

(d) a written opinion of Bond Counsel to the effect that: (i) the Bonds have been authorized, executed and delivered by the State, and are valid and binding general obligations of the State, enforceable in accordance with their terms (subject to such exceptions as are set forth in such opinion); and (ii) interest on the Bonds is excludable from gross income for federal income tax purposes (subject to such exceptions as are set forth in such opinion).

(B) Form of Bonds. All Bonds shall be issued as fully registered bonds dated the date of delivery. The Bonds shall be in substantially the form attached to the Subsequent Order.

(C) Authentication. No Bonds shall be valid for any purpose hereunder until the certificate of authentication printed thereon is duly executed by the manual signature of an authorized signatory of the Co-Registrar. Such authentication shall be proof that the registered owner named on each Bond (each a "Registered Owner") is entitled to the benefit of the trusts hereby created. In authenticating the Bonds, the Co-Registrar may add the actual date of its authentication of Bonds.

(D) Registration, Transfer and Exchange.

(a) The ownership of each Bond shall be recorded in the registration books of the State, which books shall be kept by the Registrar or Co-Registrar, acting as bond registrar, at its principal office, and shall contain such information as is necessary for the proper discharge of the duties of the Registrar and Co-Registrar hereunder.

(b) Bonds may be transferred or exchanged as follows:

(i) The transfer of any Bond may be registered if duly endorsed for such transfer or accompanied by an instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Owner or his attorney duly authorized in writing and delivered by such Registered Owner or his duly appointed attorney to the Registrar, whereupon the Co-Registrar shall authenticate and deliver to the transferee a new Bond or Bonds and in the same denominations as the Bond delivered for registration of transfer or in different authorized denominations equal in the aggregate to the principal amount of the delivered Bond.

(ii) Any Bond or Bonds may be exchanged for one or more Bonds of the same series and in the same aggregate principal amount, but in a different authorized denomination or denominations if duly endorsed or accompanied by an instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Owner or his attorney duly authorized in writing. Each Bond so to be exchanged shall be delivered by the Registered Owner thereof or his duly appointed attorney to the Registrar, whereupon a new Bond or Bonds of the same series shall be authenticated by the Co-Registrar and delivered to the Registered Owner.

(iii) In the case of any Bond properly delivered for partial redemption, the Co-Registrar shall authenticate and deliver a new Bond of the same series in exchange therefor, such new Bond to be in a denomination equal to the unredeemed principal amount of the delivered Bond.

Except as provided in subparagraph (iii) above, the Registrar and Co-Registrar shall not be required to effect any transfer or exchange during the 15 days immediately preceding the date of mailing of any notice of redemption or at any time following the mailing of any such notice in the case of Bonds selected for such redemption ("Regular Redemption Date"). No charge shall be imposed upon Registered Owners in connection with any registration of transfer or exchange, except for taxes or governmental charges related thereto. No transfers or exchanges shall be valid for any purposes hereunder except as provided above or as provided in (J), below.

(E) Mutilated, Destroyed, Lost or Stolen Bonds.

(a) If any Bond is mutilated, lost, stolen or destroyed, the Registered Owner thereof shall be entitled to the issuance of a substitute Bond provided that:

(i) in all cases, the Registered Owner may be required by the State, or the Registrar or Co-Registrar to provide indemnity to the State and the Registrar or Co-Registrar in a form acceptable to the Registrar or Co-Registrar against any and all claims arising out of or otherwise related to the issuance of substitute Bonds pursuant to this Section;

(ii) in the case of a mutilated Bond the Registered Owner shall deliver the Bond to the Registrar for cancellation; and

EXECUTIVE ORDER

(iii) in the case of a lost, stolen or destroyed Bond, the Registered Owner shall provide evidence, satisfactory to the Registrar, of the ownership and the loss, theft or destruction of the affected Bond.

Upon compliance with the foregoing, a new Bond of like tenor and denomination, executed by the State, shall be authenticated by the Co-Registrar and delivered to the Registered Owner, all at the expense of the Registered Owner to whom the substitute Bond is delivered. Notwithstanding the foregoing, the Co-Registrar shall not be required to authenticate and deliver any substitute for a Bond which has been called for redemption or which has matured or is about to mature and, in any such case, the principal or redemption price then due and accrued interest thereon or becoming due shall be paid by the Registrar in accordance with the terms of the mutilated, lost, stolen or destroyed Bond without substitution therefor.

(b) Every substituted Bond issued pursuant to this Section shall constitute an additional contractual obligation of the State, whether or not the Bond alleged to have been destroyed, lost or stolen shall be at any time enforceable by anyone, and shall be entitled to all the benefits of this Order equally and proportionately with any and all other Bonds duly issued hereunder.

(c) All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds, and shall preclude any and all other rights or remedies, unless expressly inconsistent with any law or statute existing or hereafter enacted with respect to the replacement or payment of negotiable instruments, investments or other securities without their delivery.

(F) Payments of Principal, Redemption Price and Interest; Persons Entitled Thereto.

(a) Except as provided in (J) below, the principal or redemption price of each Bond shall be payable by the Paying Agent in immediately available funds upon delivery of such Bond to the Registrar at its principal office. Such payments shall be made to the Registered Owner of the Bond so delivered, as shown on the registration books maintained by the Registrar or Co-Registrar on the date of payment.

(b) Subject to the further provisions set forth herein, each Bond shall accrue interest and be payable as to interest as follows:

(i) Each Bond shall accrue interest (A) from the date of authentication, if authenticated on an interest payment date to which interest has been paid or duly provided for, or (B) from the last preceding interest payment date to which interest has been paid in full or duly provided for (or the issue date if no interest thereon has been paid or duly provided for) in all other cases.

(ii) Subject to the provisions of subparagraph (iii) below, the interest due on any Bond on any interest payment date shall be paid to the Registered Owner of such Bond as shown on the registration books kept by the Registrar or Co-Registrar as of the fifteenth (15th) day of the month preceding any interest payment date (the "Regular Record Date"), regardless of whether such date is a Saturday, Sunday or legal holiday. The amount of interest so payable on any interest payment date shall be computed on the basis of a 360-day year composed of twelve 30-day months.

(iii) If the available funds under this Order are insufficient on any interest payment date to pay the interest then due, such available funds shall be used to pay interest on each series of Bonds and the Prior Bonds on a pro rata basis, and the Regular Record Date shall no longer be applicable with respect to the Bonds. If funds for the payment of such overdue interest thereafter become available, the Registrar shall promptly establish a special interest payment date for the payment of the overdue interest and a special record date (which shall be a Business Day) for determining the Registered Owners entitled to such payments ("Special Record Date"). Notice of such Special Record Date shall be mailed by the Registrar or Co-Registrar to each Registered Owner not less than 10 days prior to such Special Record Date, but not more than 30 days prior to such Special Record Date. The overdue interest shall be paid on the special interest payment date to the Registered Owners, as shown on the registration books kept by the Registrar or Co-Registrar as of the close of business on the Special Record Date.

(iv) All payments of interest on the Bonds shall be paid to the Registered Owners entitled thereto by check or draft mailed by the Paying Agent, or, at the

option of any Registered Owner of at least $1,000,000 in aggregate principal amount of Bonds, by wire transfer in immediately available funds to a domestic bank account specified in writing by the Registered Owner to the Paying Agent at least 5 days prior to such Record Date.

(G) Cancellation and Disposition of Surrendered Bonds. The Registrar shall cancel (a) all Bonds surrendered for registration of transfer or exchange and for payment at maturity or for redemption, and (b) all Bonds purchased at the direction of the State and surrendered to the Registrar for cancellation, and the Registrar shall dispose of such Bonds in accordance with the Registrar's document retention policies. The Registrar shall deliver to the State a certificate of cancellation or disposition in respect of all Bonds cancelled or disposed of in accordance with this Section.

(H) Act of Registered Owners; Evidence of Ownership. Any action to be taken by Registered Owners may be evidenced by one or more concurrent written instruments of similar tenor signed or executed by such Registered Owners in person or by an agent appointed in writing. The fact and date of the execution by any person of any such instrument may be proved by acknowledgment before a notary public or other officer empowered to take acknowledgments or by an affidavit of a witness to such execution or by any other method satisfactory to the Registrar. Any action by the Registered Owner of any Bond shall bind all future Registered Owners of the same Bond or of any Bond issued upon the exchange or registration of transfer thereof in respect of anything done or suffered by the State or the Registrar or Co-Registrar in pursuance thereof.

(I) Book Entry System.

(a) DTC will act as securities depository (the "Securities Depository") for the Bonds. The Bonds shall be initially issued in the form of a single fully registered Bond for each maturity registered in the name of Cede & Co., as nominee for DTC. So long as Cede & Co. is the Registered Owner of the Bonds, as nominee of DTC, references herein to Registered Owners, Bondholders or holders of the Bonds shall mean Cede & Co. and shall not mean the beneficial owners of the Bonds.

(b) The interest of each of the beneficial owners of the Bonds will be recorded through the records of a DTC Participant. Transfers of beneficial ownership interests in

the Bonds which are registered in the name of Cede & Co. will be accompanied by book entries made by DTC and, in turn, by the DTC Participants who act on behalf of the beneficial owners of the Bonds.

(c) With respect to Bonds registered in the name of Cede & Co. as nominee of DTC, the State, the Registrar and the Co-Registrar shall have no responsibility or obligation to any DTC Participant or to any person on behalf of whom a DTC Participant holds an interest in the Bonds, except as provided in this Order. Without limiting the immediately preceding sentence, the State, the Registrar and the Co-Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of the DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Registered Owner, as shown on the registration books of the State maintained by the Registrar or the Co-Registrar, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Registered Owner, as shown in the registration books of any amount with respect to principal and interest on the Bonds.

(d) Notwithstanding any other provisions of this Order to the contrary, the State, the Registrar, and the Co-Registrar shall be entitled to treat and consider the person in whose name each Bond is registered in the registration books as the absolute owner of such Bond for the purpose of payment of principal and interest with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent shall pay all principal and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the registration books as provided in this Order, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the State's obligations with respect to payment of principal and interest on the Bonds to the extent of the sum or sums so paid.

(e) No person other than a Registered Owner, as shown in the registration books, shall receive a Bond certificate evidencing the obligation of the State to make payments of principal, premium, if any, and interest, pursuant to this Order.

(f) Any provision of this Order permitting or requiring the delivery of Bonds shall, while the book-entry system is in effect, be satisfied by the notation on the books of DTC or a DTC Participant, if applicable, of the transfer of the beneficial owner's interest in such Bond.

(g) So long as the book-entry system is in effect, the Registrar and the Co-Registrar shall comply with the terms of the Letter of Representations and the procedures of DTC.

(h) DTC may determine to discontinue providing its service with respect to the Bonds at any time by giving written notice and all relevant information on the beneficial owners of the Bonds to the State, the Registrar and the Co-Registrar and discharging its responsibilities with respect thereto under applicable law. If there is no successor Securities Depository appointed by the State, the Co-Registrar shall authenticate and deliver Bonds to the beneficial owners thereof. The State may determine not to continue participation in the system of book-entry transfers through DTC (or a successor Securities Depository) at any time by giving reasonable written notice to DTC (or a successor Securities Depository), the Registrar and the Co-Registrar. In such event, the State shall execute and deliver to the Co-Registrar, and the Co-Registrar shall authenticate and deliver, the Bonds to the beneficial owners thereof identified by DTC.

(i) Payments by the DTC Participants to beneficial owners will be governed by standing instructions and customary practices, as is now the case with municipal securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such DTC Participant and not of DTC, the Registrar, the Co-Registrar or the State, subject to any statutory and regulatory requirements as may be in effect from time to time.

(J) Redemption. The Bonds shall be subject to redemption prior to maturity as set forth in the Subsequent Order. Redemption shall be made at such times as the State shall, not later than

45 days prior to the date on which any Bond may be optionally redeemed, designate in a Certificate delivered to the Registrar.

(a) Selection of Bonds To Be Redeemed. In the event of redemption of less than all of the outstanding Bonds of like series and maturity, the Registrar or Co-Registrar, as applicable, or DTC (or other Securities Depository) and its Participants with respect to Book-Entry Bonds, shall select the Bonds to be redeemed by lot, using such method of selection as it shall deem proper in its discretion. In making such selection the Registrar or Co-Registrar, as applicable, or DTC shall treat each Bond as representing that number of Bonds of the lowest authorized denomination as is obtained by dividing the principal amount of such Bond by such denomination.

(b) Notice of Redemption; Conditional Redemption. When the Registrar or Co-Registrar, as applicable, shall receive notice from the State of its election or direction to redeem Bonds, the Registrar or Co-Registrar, as applicable, shall give notice, in the name of the State, of the redemption of such Bonds. Notice of any such redemption shall be given by the Registrar or Co-Registrar, as applicable, in accordance with the directions and requirements of DTC, and by mailing a copy of the redemption notice by first class mail (postage prepaid) or electronic means at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed in whole or in part at the address shown on the Bond Register. Failure to give such notice by mailing to any owner, or any defect therein, shall not affect the validity of any proceedings for the redemption of Bonds with respect to Bonds or portions thereof for which no failure has occurred.

The redemption notice may state that (i) it is conditioned upon the deposit of moneys by the State, in an amount equal to the amount necessary to effect the redemption, with the Registrar no later than the scheduled redemption date or (ii) the State retains the right to rescind such notice on or prior to the scheduled redemption date (in either case, a "Conditional Redemption"), and such notice and redemption shall be of no effect if such moneys are not so deposited or if the notice is rescinded as described in this subsection (b). In the case of a Conditional Redemption subject to the deposit of moneys, the failure of the State to make funds available in part or in whole on or before the scheduled redemption

EXECUTIVE ORDER

date shall not constitute a default in payment of the Bonds and any Bonds subject to such Conditional Redemption shall remain outstanding. Any Conditional Redemption subject to rescission may be rescinded in whole or in part at any time on or prior to the scheduled redemption date if the State instructs the Registrar in writing to rescind the redemption notice. Any Bonds subject to Conditional Redemption where redemption has been rescinded shall remain outstanding, and the rescission shall not constitute a default in payment of the Bonds.

All notices of redemption shall be dated and shall state (i) the redemption date; (ii) the redemption price; (iii) the identifying number and CUSIP number (and in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed; (iv) the date of issuance of the Bonds; (v) the interest rate or rates and maturity date or dates of the Bonds to be redeemed; (vi) that on the redemption date the redemption price will become due and payable on each such Bond and interest thereon will cease to accrue thereon from and after said date; (vii) the agent name, contact person and address where such Bonds are to be surrendered for payment; and (viii) any other descriptive information that, in the opinion of the Registrar, is needed to identify accurately the Bonds being redeemed.

Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, whether or not the owner of such Bonds receives the notice.

(c) Partial Redemption of Bonds. Upon surrender of any Bond for redemption in part only, the State shall execute, and the Co-Registrar shall register, authenticate and deliver to the owner thereof, a new Bond or Bonds of authorized denominations in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered.

The State and the Registrar may agree with DTC that DTC may, in lieu of surrendering a partially redeemed Bond for a new Bond, endorse on such Bond a notice of such partial redemption, which notice shall set forth, over the signature on behalf of DTC, the payment date, the principal amount redeemed and the principal amount remaining unpaid. Such partial redemption shall be valid upon payment of the amount thereof to the owner of any such Bond and the State and the Registrar shall be fully released and discharged from all liability to the extent of such payment irrespective of whether such endorsement shall or shall not have been made upon the reverse of such Bond by DTC and irrespective of any error or omission in such endorsement.

(d) Effect of Call for Redemption. On the date designated for redemption by notice given as herein provided, the Bonds so called for redemption shall become and be due and payable at the redemption price provided for on such date. If on the date fixed for redemption moneys for payment of the redemption price and accrued interest are held by the Paying Agent, interest on such Bonds so called for redemption shall cease to accrue, such Bonds shall cease to be entitled to any benefit or security hereunder except the right to receive payment from the moneys held by the Paying Agent and the amount of such Bonds so called for redemption shall be deemed paid and no longer outstanding.

Section 5. Competitive Sale of Bonds. The Notice of Sale (the "Notice of Sale") with respect to the Bonds attached hereto as Exhibit A and made a part of this Executive Order as though set forth in full herein, and the publication of the summary thereof is hereby approved, with such supplements, changes, insertions and omissions as shall be consistent with the Act. The Bonds shall be sold by competitive sale, pursuant to the Notice of Sale, at a price of 100% of the principal amount thereof or at such other price as may be awarded through and as a result of such competitive sale process, upon the advice of Public Resources Advisory Group, as the Financial Advisor (the "Financial Advisor"), which shall be approved and confirmed by me, as Governor, by execution of the Subsequent Order. Execution of the Subsequent Order by me, as Governor, shall be conclusive evidence of my approval and confirmation of the sale of the Bonds.

Section 6. Official Statement. The Preliminary Official Statement dated November 21, 2019, and the distribution of such Preliminary Official Statement is hereby ratified, confirmed and approved. The final Official Statement of the State (the "Official Statement"), to be dated the date of the sale of the Bonds, shall be approved by the Subsequent Order. As Governor, I shall execute and deliver an appropriate number of copies of such Official Statement for distribution to prospective purchasers thereof and other interested persons.

Section 7. Disclosure Dissemination Agent Agreement. The Disclosure Dissemination Agent Agreement (the "Disclosure Agreement") between the State and Digital Assurance Certification, L.L.C., to be dated as of the date of closing, is hereby approved.

Section 8. Closing Date. As Governor, I shall, and other proper officers of the State are hereby authorized and directed to, execute and deliver any and all papers and instruments and to do and cause to be done any and all action and things necessary or proper for carrying out

the transactions contemplated by this Order, including but not limited to, the execution of the Disclosure Agreement, on or about December 17, 2019.

Section 9. Use of Bond Proceeds. The proceeds of the Bonds (plus any original issue premium and less any original issue discount) are hereby ordered to be deposited in a separate special "Roads To Prosperity Amendment of 2017" subaccount in the State Road Fund held in the Treasury and applied by the Commissioner of Highways for the purposes set forth in the Act.

Section 10. Payment of Bonds. The accumulation of money to make the principal and interest payments on the Bonds shall be as follows:

A. On or before December 17, 2019, the Division of Highways (the "Division"), West Virginia Department of Transportation, will transfer to the Roads To Prosperity Bond Debt Service Fund created in the Treasury, the funds required for payment of all necessary and reasonable expenses incident to the issuance of the Bonds, as further described in Section 11 below.

B. On or before January 15, 2020, and on or before the fifteenth day of each month thereafter to and including March 15, 2020, the Division will transfer to the Roads To Prosperity Bond Debt Service Fund one-fourth (1/4) of the amount certified by the Commissioner of Highways as the principal and interest requirement on the Bonds for the fiscal year ending June 30, 2020.

C. On or about April 1, 2020, and each April 1 thereafter to and including April 1, 2044, the Division shall determine the amount of investment earnings generated by and held in the Roads To Prosperity Bond Debt Service Fund.

D. On or before April 15, 2020, the Division shall transfer to the Roads To Prosperity Bond Debt Service Fund the difference between the one-fourth (1/4) payment requirement and the investment earnings. On or before each April 15 thereafter to and including April 15, 2044, the Division shall transfer to the Roads To Prosperity Bond Debt Service Fund the difference between the one-tenth (1/10) payment requirement described below and the investment earnings.

E. Commencing on or before July 15, 2020, and commencing on or before the fifteenth day of each July to and including April 15, 2044, the Division shall make the ten monthly transfers and determinations as set forth in Paragraphs B, C and D above, with each April 15th payment being the difference between the remaining one-tenth (1/10) of the debt service requirement and the then accumulated investment earnings held in the Roads To Prosperity Bond Debt Service Fund.

G. The moneys in the Roads To Prosperity Bond Debt Service Fund shall be applied each June 1 and December 1 to the payment of principal of and interest on the Bonds.

Section 11. Cost of Issuance. Pursuant to the Act, all necessary and reasonable expenses incident to the issuance of the Bonds, including, but not limited to, mailing and delivery of the Bonds, the Official Statement, any amendment or supplement to the Official Statement, including the mailing and delivery thereof by the printer, fees and expenses of the Bid Buyers, fees and expenses of Bond Counsel, fees and expenses of Disclosure Counsel, fees and expenses of the Financial Advisor, any fee charged by rating agencies for the rating of the Bonds, fees and expenses of the Co-Registrar, and any other cost, charge or fee incurred in the issuance of the Bonds, shall be paid out of the Roads to Prosperity Bond Debt Service Fund, being a special account in the State treasury.

Section 12. Effective Date. This Order shall take effect on the date hereof.

[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, We have hereunto set our hands and caused the Great Seal of the State of West Virginia to be affixed.

Done at the Capitol, in the City of Charleston, State of West Virginia, this the 20th day of November, in the year of our Lord, Two Thousand Nineteen, and in the One Hundred Fifty-Seventh year of the State.

GOVERNOR

BY THE GOVERNOR

SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Medical Cannabis

FILED OTHER

2019 NOV 19 P 1:59

Bill J. Crouch
Cabinet Secretary

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

SECRETARY OF STATE

NOTICE FOR PUBLICATION

November 19, 2019

Medical Cannabis Permit Applications to Open December 19

CHARLESTON, W.Va. – The West Virginia Department of Health and Human Resources, Bureau for Public Health today announced its Office of Medical Cannabis will begin accepting permit applications for medical cannabis growers, processors, dispensaries, and laboratories on December 19, 2019. The announcement of upcoming application availability is the first step in the process of permitting industry applicants.

A link to the web-based application will be available at www.medcanwv.org beginning at 3:00 p.m. EST, on December 19, 2019. No paper option will be available.

The application period will be open for 60 days, ending on February 18, 2020 at 3:00 p.m. EST. After February 18, 2020, no additional applications will be accepted.

"This is a key step in the process to make medical cannabis available to West Virginians with serious medical conditions," said Jason Frame, Director of the West Virginia Office of Medical Cannabis. "We and many others continue to work toward a goal of providing eligible West Virginia residents the ability to procure quality-tested medical cannabis."

Jason R. Frame, Director — 11-19-19 Date

350 Capitol Street, Room 523
Charleston, West Virginia 25301-3713
Telephone: (304) 356-5090

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

MEMORANDUM

To: Interested Parties

From: Stephanie D. Hickerson, P. E.
Drinking Water Treatment Revolving Fund

Date: November 12, 2019

Subject: Town of Elizabeth
Munday Water Line Extension Project
Environmental Review (FONSI)
DWTRF Project Number: **19DWTRFA013**
Wirt County

FILED 2019 NOV 14 A 9:23

Please find enclosed the Town of Elizabeth's Munday Water Line Extension Project Finding of No Significant Impact **(FONSI).**

The review process indicated significant environmental impacts would not result from the proposed action. Consequently, a preliminary decision not to prepare an Environmental Impact Statement has been made.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Christopher Thomas, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to (304) 558-0691. After evaluating the comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

SDH:cwt

Distribution List:

Town of Elizabeth
Jesse Alden, The Thrasher Group
Mid Ohio Valley Regional Council
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
Natural Resources Conservation Service

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

FINDINGS OF NO SIGNIFICANT IMPACT

November 12, 2019

OTHER

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:

Town of Elizabeth
73 Town Hall Lane
Elizabeth, WV 26143
WVIJDC Project #: **2018W-1735**
SRF Project #: **19DWTRFA013**

Munday Water Line Extension Project

(Official Project Name and Number)

Town of Elizabeth
73 Town Hall Lane
Elizabeth, WV 26143

(Project Applicant)

Town of Elizabeth
Wirt County, WV

(Project Location, City, County, State)

$ 3,100,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,600,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Town of Elizabeth Munday Water Line Extension Project
WV IJDC Project No.: **2018W-1735/** SRF Project No.: **19DWTRFA013**

I. PROPOSED PROJECT:

The Town of Elizabeth is a potable water provider located on State Route 14 in Wirt County, West Virginia. The Munday Water Line Extension project will extend water service to approximately 100 new customers with 1.2 miles of water line on Munday Road, 1.8 miles on Fish Hatchery Road, 2.2 miles on Enterprise Road, and 4.8 miles along State Route 5 towards the Creston area. Also included will be a 40 GPM booster station, 41 gate valves, and 37 fire hydrants. These areas are all residential, mostly bordering the Little Kanawha River.

II. PURPOSE AND NEED:

The Town is the closest public water utility to the areas of Munday Road, Fish Hatchery Road, Enterprise Road, and the Creston area. The residents of these areas have approached the Town and Town Council to support a water extension to these areas, as several residents within these areas own private wells that have the possibility of going dry, and the quality of the water when available is questionable. Additionally, no fire protection is available in these areas. The residents have petitioned the Town to extend service to these areas, and improve the quality of life in their areas.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

If the Town does not continue with the project, residents of the project area will continue utilizing wells that are likely to run dry. Continued use of these wells extends the possibility of health risk from a lack of sanitation. There will also be a continued lack of fire protection service. These health and safety issues must be addressed in order to keep the residents safe.

IV. EVALUATION OF ALTERNATIVES:

The proposed project is purely an extension, to be conducted along Munday Road, Enterprise Road, Fish Hatchery Road, and the Creston area. The only alternative to conducting this project would be to do nothing. Although the "Do Nothing" alternative would cost no money, public health and safety issues will not be addressed. Construction of the proposed extensions is essential to improving the current water situation for residents of the project area.

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 Town of Elizabeth Water Distribution System Extension Project, dated February 5, 2019 states: "...we have determined that the proposed project will affect no architectural properties eligible for or included in the National Register of Historic Places." And "...the project will have no effect on archeological historic properties." (see attached letter)

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** – "Construction of this project does not anticipate any adverse impacts to air quality within the project area." – Town of Elizabeth Boone County PSD Environmental Report prepared by Jesse Alden with The Thrasher Group, Inc.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service – dated April 3, 2019 – states that "Based on the information provided to us, the Service has concluded that no federally listed species are expected to be adversely affected by the project and any take of NLEB associated with this project is exempt under the 4(d) rule." A letter from WV Division of Natural Resources – dated March 26, 2018 – states that "We have no known records of any RTE species within the project area, however, mussel surveys will be required at the Reedy Creek, Little Kanawha River, and West Fork Little Kanawha River stream crossings. All the streams are endangered mussel streams, and consultation with the US Fish and Wildlife Service is needed." After further consultation with the WV Division of Natural Resources changes were made to cross the Little Kanawha River and Reddy Creek by subsurface drilling and avoid the West Fork Little Kanawha River. The WV Division of Natural Resources then issued in an email dated November 5, 2019 that "Since directional drilling is being used for this project, mussel surveys are not required at the Little Kanawha River and Reedy Creek crossings." (see attached letters and email)

5. **Protection of Wetlands** – "The project will contain no construction in wetlands." – Town of Elizabeth Boone County PSD Environmental Report prepared by Jesse Alden with The Thrasher Group, Inc.

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 Wild and Scenic designation in the State." (See attached letters)

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated April 15, 2019 states that "Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does not convert prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act." (see attached letter)

OTHER

9. **Flood Plain Management** – Other than water mains and hydrants which shouldn't be affected by floods as stated by Jesse Alden with The Thrasher Group Inc. "The proposed booster station site is located at elevation 763' +/-. FEMA does not have a floodplain elevation listed for this area. The closest known floodplain elevation is at the intersection of Route 5 and CR 53 and is at elevation 625.00. Based on this information, we are certifying that the proposed booster station will be installed 3 feet above the 100-year floodplain."

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved May 6, 2019).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. This project has no impact on environmental justice. (See attached certification)

12. **Lead Paint Abatement** – "No lead paint abatement will be needed for the construction of this project, as it will be mostly line installation and the booster station will be new construction." – Town of Elizabeth Boone County PSD Environmental Report prepared by Jesse Alden with The Thrasher Group, Inc.

VI. 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 also conducted as part of the review, and it was determined that variable frequency drives on the pumps will be used and that LED lighting was the most economical option.

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 contractor/s will be required to follow the plans and specifications for the project and abide by all permits and regulations.

IX. PUBLIC PARTICIPATION:

A public meeting regarding the proposed project was conducted on August 9, 2018. There were approximately 105 residents in attendance. During the meeting, tap fees were collected and many residents signed user agreements.

OTHER

X. DOCUMENTATION:

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

Statutory Checklist

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

Project Sponsor: Town of Elizabeth **Phone:** 304-275-3200

Address: 73 Town Hall Lane Elizabeth, WV 26143

Public Water System: Town of Elizabeth **County:** Wirt

Project: Water System Improvements 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	NA	Contract Documents/Environmental 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	Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy		X	X			X	Form AD-1006 was completed and no impact on important farm land	NRCS
Floodplain Management		X	X			X	NA	Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks		X	X			X	NA	Engineer's Statement

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

Signature: Christopher W. Thomas **Date:** 11/12/19 **Telephone:** 304-356-4325

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

WEST VIRGINIA
Division of Culture and History

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

OTHER

February 5, 2019

Mr. Jesse Alden, P.E.
Project Engineer
The Thrasher Group
600 White Oaks Blvd.
P.O. Box 940
Bridgeport, WV 26330

RE: Town of Elizabeth – Water Distribution System Extension Project
Thrasher Project #101-010-0808
FR#: 18-490-WI-1

Dear Mr. Alden:

We have reviewed the additional information submitted for the aforementioned project. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to the submitted information, the Town of Elizabeth proposes to undertake a water line distribution system extension project to approximately 100 customers in Wirt County. The work will involve the installation of six-inch water line along Bonnett Road/Fish Hatchery Road (9,650 linear feet), Enterprise Road (11,600 linear feet), Munday Road (6,200 linear feet), and Route 3 (24,700 linear feet). One new above-ground booster station will be installed in the Munday Road project area.

Architectural Resources:
We have reviewed the submitted information, and it is our understanding that no architectural resources over 45 years of age are within view of the proposed above-ground booster station. Therefore, we have determined that the proposed project will affect no architectural properties eligible for or included in the National Register of Historic Places. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

Archaeological Resources:
According to our records, a small portion of the proposed project area in the vicinity of Burning Springs previously underwent a Phase I archaeological survey in 2015 and 2016. There are no previously recorded archaeological sites located within the proposed project area. In our prior

April 9, 2018 correspondence, we had requested that a Phase I archaeological survey be conducted on all areas where work is scheduled to occur outside of existing road rights-of-way, including the proposed water crossings and the proposed booster station site. However, according to the current information, the proposed booster station site has been impacted by prior road construction activities. Also, we understand that there is only one area near Creston where proposed line installation work will occur outside of an existing road right-of-way and that this area has been previously disturbed by oil and gas construction activities and other ground disturbing activities. Therefore, due to the confinement of proposed construction activities in previously disturbed areas, it is unlikely that significant deposits will be encountered. We, hereby, rescind our prior Phase I archaeological survey request and in our opinion, the project will have no effect on archaeological historic properties. No further consultation is necessary regarding archaeological resources. However, if intact cultural materials are encountered during construction, please cease all activity within the discovery area and contact our office immediately.

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

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/BMR

United States Department of the Interior

FISH AND WILDLIFE SERVICE
West Virginia Field Office
90 Vance Drive
Elkins, West Virginia 26241

OTHER

April 3, 2019

Mr. Jeremiah Goudy
The Thrasher Group
600 White Oaks Blvd
Post Office Box 940
Bridgeport, West Virginia 26330

Re: Town of Elizabeth – Water Distribution System Extension, Wirt County, West Virginia (FWS File Number 2019-I-0293)

Dear Mr. Goudy:

This letter is in response to your request dated January 9, 2019, and supplemental information dated March 19, 2019, for information regarding the potential occurrence of federally listed endangered and threatened species and their designated critical habitats within the vicinity of the project mentioned above. The Town of Elizabeth proposes to construct 53,090 linear feet of water line and one booster station in Wirt County, West Virginia. These comments are provided pursuant to the Endangered Species Act (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). This project has been assigned FWS File Number 2019-I-0293; please reference this number in all future correspondence.

The U.S. Fish and Wildlife Service (Service) has determined that four federally listed species may occur within the project area and may be affected by the construction of this project. These are the endangered Indiana bat (*Myotis sodalis*), snuffbox mussel (*Epioblasma triquetra*), and clubshell mussel (*Pleurobema clava*), and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB).

Federally Listed Bats

The Indiana bat and NLEB may use the project area for foraging and roosting between April 1 and November 15. Indiana bat summer foraging habitats are generally defined as riparian, bottomland, upland forest, and old fields or pastures with scattered trees. Roosting/maternity habitat consists primarily of live or dead hardwood tree species which have exfoliating bark that provides space for bats to roost between the bark and the bole of the tree. Tree cavities, crevices, splits, or hollow portions of tree boles and limbs also provide roost sites. In West Virginia, the Service considers all forested habitat containing trees greater than or equal to 5 inches in diameter at breast height to be potentially suitable as summer roosting and foraging habitat for the Indiana bat.

Indiana bats feed on emerged aquatic and terrestrial flying insects. Moths, caddisflies, flies, mosquitoes, and midges are major prey items. Aquatic insects that have concentrated emergences or that form large mating aggregations above or near water appear to be preferred prey items. As a result, streams, wetlands, and associated riparian forests are often preferred foraging habitats for pregnant and lactating Indiana bats. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. Increased erosion and sedimentation of streams reduces diversity and biomass of benthic invertebrates, i.e. insects. Some projects propose impacts to aquatic features such as streams or wetlands, which could result in a decrease in insects available to both bat species for foraging.

Similar to the Indiana bat, NLEB foraging habitat includes forested hillsides and ridges, and small ponds or streams. NLEB are typically associated with large tracts of mature, upland forests with more canopy cover than is preferred by Indiana bats. NLEB seem to be flexible in selecting roosts. They choose roost trees based on suitability to retain bark or provide cavities or crevices, and this species is known to use a wider variety of roost types than the Indiana bat. Males and non-reproductive females may also roost in cooler places like caves and mines. Although rare, this bat has also been found roosting in structures like barns and sheds.

Indiana bats and NLEB use caves or mine portals for winter hibernation between November 15 and March 31. These species also use the hibernacula and the areas around them for fall-swarming and spring-staging activity (August 15 to November 14 and April 1 to May 14, respectively). Some males have been known to stay close to the hibernacula during the summer and may use the hibernacula as summer roosts. There may be other landscape features being used as hibernacula by NLEB during the winter that have yet to be documented.

The Service does not anticipate that this project is likely to adversely affect the Indiana bat because your project: 1) will affect less than 17 acres of potential Indiana bat foraging or roosting habitat; 2) is not within any of the Indiana bat hibernacula or summer use buffers described above; 3) will not affect any potential caves or mines that could be used as hibernacula for this species; and 4) effects to aquatic features used for foraging habitat will be insignificant.

The NLEB may occur within the range of the proposed project, and may be affected by the proposed construction and operation of this project. Any take of NLEB occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula and that no conservation measures are required as part of the 4(d) rule unless the proposed project: 1) involves tree removal within 0.25 miles of known NLEB hibernacula; or 2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around known, occupied maternity tree during the pup season (June 1 to July 31). This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known NLEB hibernacula, therefore any take of NLEB associated with this project is exempted under the 4(d) rule and no conservation measures are required.

OTHER

Federally Listed Mussels

The proposed project is within close proximity to and crosses the Little Kanawha River, which provides habitat for snuffbox and clubshell mussels. The project could cause increased sedimentation that could adversely affect mussels. In correspondence dated March 29, 2019, The Thrasher Group, Inc., on behalf of the Town of Elizabeth, stated their commitment to the erosion and sedimentation best management practices (BMPs) to include compost filter sock, silt fence and super silt fence, and rolled erosion control products. These BMPs will help minimize adverse effects of sedimentation and erosion to waterways that provide habitat to federally listed mussels within the action area. In addition, the Town of Elizabeth will comply with the requirements set forth in the West Virginia Department of Environmental Protection's (WVDEP) 2006 Best Management Protection Manual.

The Town of Elizabeth has committed to crossing the Little Kanawha River by horizontal direction drill (HDD). This method will allow the pipeline to be placed under the stream without direct effects to the waterway. The HDD method uses bentonite clay in its pressurized drilling that, on occasion, can result in an inadvertent release of bentonite clay into waterways. In correspondence dated March 19, 2019, The Thrasher Group, Inc., provided a contingency plan in case of inadvertent release of bentonite clay resulting from the HDD method.

Based on the Town of Elizabeth's commitment to implement erosion and sedimentation controls and utilize a HDD crossing method, the Service does not anticipate that this project is likely to adversely affect any federally listed mussels.

In the event of an inadvertent release, additional coordination with the Service will be necessary. In correspondence dated March 19, 2019, the Town of Elizabeth stated their commitment to the following measures that will be followed in the event of an inadvertent release of bentonite clay substrate into waterways:

1. Before and during all active boring operations, Contractor personnel must walk and visually inspect the length of the boring area to continuously monitor for any visible signs of inadvertent returns.
2. All necessary BMP measures for secondary containment in the case of an inadvertent return shall be on site prior to any boring activities taking place.
3. In the event that boring fails, or is abandoned, the below contingency plan will be followed. The USFWS and WVDEP will be notified and consulted with on the remediation process, in the event of either remote situation.

In the event of an inadvertent return event, the Contractor will do the following:

- Notify the Town of Elizabeth personnel immediately.
- Contractor will immediately work to contain any inadvertent return material.
- The Town of Elizabeth will consult with Service and WVDEP.
- Secondary containment measures including compost filter sock, silt fence, sand bags, turbidity curtains, water pumps and any other BMPs will be installed as necessary.
- Once the inadvertent return has been contained, the contractor will identify and rectify any issues prior to attempting to resume boring activities.
- The Town of Elizabeth will initiate a mussel investigation as necessary.

Summary

Based on the information provided to us, the Service has concluded that no federally listed species are expected to be adversely affected by the project and any that any take of NLEB associated with this project is exempt under the 4(d) rule.

This letter provides technical assistance only and does not serve as a completed section 7 consultation document. If there is a Federal nexus for the project (e.g., Federal funding provided, Federal permits required to construct), no tree clearing or any project construction activities on any portion of the parcel should occur until consultation under section 7 of the ESA, between the Service and the Federal action agency, is completed. Section 7 consultation is not complete until the federal action agency submits a determination of effects to this office, the Service concurs with the federal action agency's determination, and the federal action agency agrees to incorporate all the proposed conservation measures as mandatory conditions for any permit decision rendered for this project. All measures must be installed prior to the start of any construction, and all measures must be implemented as proposed and be maintained until construction is complete. If there is no Federal nexus associated with this project, then no further coordination with this office is required.

Should project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered. This technical assistance letter regarding effects to any federally listed endangered and threatened species does not apply if erosion and sedimentation measures fail due to improper maintenance. If erosion and sedimentation measures fail, further consultation with the Service will be required.

If you have any questions regarding this letter, please contact Amanda Murnane of my staff at (304) 636-6586, Ext. 24, or amanda_murnane@fws.gov, or at the letterhead address.

Sincerely,

John Schmidt
Field Supervisor

RECEIVED

THE THRASHER GROUP, INC.

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Elkins Operations Center
738 Ward Rd., PO Box 67
Elkins, WV 26241
Telephone 304-637-0245
Fax 304-637-0250

Stephen S. McDaniel
Director

March 26, 2018

Mr. Jesse Alden
The Thrasher Group, Inc.
300 Association Drive
Charleston, WV 25311

Dear Mr. Alden:

We have reviewed Natural Heritage Program files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Water Distribution System Extension project for the Town of Elizabeth, Wirt County, WV (Project #010-0808).

We have no known records of any RTE species within the project area; however, mussel surveys will be required at the Reedy Creek, Little Kanawha River, and West Fork Little Kanawha River stream crossings. All the streams are endangered mussel streams, and consultation with the US Fish and Wildlife Service is needed. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review. This response is valid for two years.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required. Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, or barbara.d.sargent@wv.gov. Enclosed please find an invoice.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

OTHER

Thomas, Christopher W

From: Jesse Alden <jalden@thethrashergroup.com>
Sent: Tuesday, November 5, 2019 10:40 AM
To: Thomas, Christopher W
Subject: [External] FW: [External] FW: [External] FW: [External] Elizabeth WATER

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Chris,

Please see below.

Thanks,

JESSE ALDEN, PE
Project Manager | The Thrasher Group, Inc.
office: 304-343-7601 | 800-273-6541
mobile: 304-476-8488
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

From: Jeremiah Goudy <jgoudy@thethrashergroup.com>
Sent: Tuesday, November 05, 2019 10:37 AM
To: Jesse Alden <jalden@thethrashergroup.com>
Subject: FW: [External] FW: [External] FW: [External] Elizabeth WATER

Jesse,

Please see the email below from Barb Sargent stating that no mussel surveys are required. Coordination with the USFWS was completed but I have asked them for a revised clearance to mention both mussel streams.

Thanks,

JEREMIAH GOUDY
Environmental Scientist I | The Thrasher Group, Inc.
office: 304-326-6122 | 800-273-6541
mobile: 304-918-8600
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

From: Sargent, Barbara D <Barbara.D.Sargent@wv.gov>
Sent: Tuesday, November 05, 2019 10:28 AM
To: Jeremiah Goudy <jgoudy@thethrashergroup.com>
Subject: RE: [External] FW: [External] FW: [External] Elizabeth WATER

CAUTION: External E-mail

Jeremiah—

Since Horizontal Directional Drilling is being used for this project, mussel surveys are not required at the Little Kanawha River and Reedy Creek crossings. Because these are federal mussel streams, coordination with the US Fish and Wildlife Service is required.

Please let me know if you need additional information.

Barb

Barbara Sargent
WVDNR – Wildlife Resources Section
Operations Unit
Environmental Coordination
PO Box 67
738 Ward Road
Elkins, WV 26241
304/637-0245 (voice)
304/637-0250 (fax)
www.wvdnr.gov

"It is always the same with mountains. Once you have lived with them for any length of time, you belong to them. There is no escape."
— Ruskin Bond

From: Jeremiah Goudy [mailto:jgoudy@thethrashergroup.com]
Sent: Tuesday, November 05, 2019 10:25 AM
To: Sargent, Barbara D
Subject: [External] FW: [External] FW: [External] Elizabeth WATER

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Please see below.

Thanks,

JEREMIAH GOUDY
Environmental Scientist I | The Thrasher Group, Inc.
office: 304-326-6122 | 800-273-6541
mobile: 304-918-8600
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

From: Jesse Alden <jalden@thethrashergroup.com>
Sent: Tuesday, November 05, 2019 10:19 AM
To: Jeremiah Goudy <jgoudy@thethrashergroup.com>
Subject: FW: [External] FW: [External] Elizabeth WATER

OTHER

Jeremiah,

I received another call from the health department and they want email correspondence from Barbara Sargent specifically indicating that we don't need a mussel survey on Reedy Creek. Can you please help with this?

Thanks,

JESSE ALDEN, PE
Project Manager | The Thrasher Group, Inc.
office: 304-343-7601 | 800-273-6541
mobile: 304-476-8488
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

From: Thomas, Christopher W <Christopher.W.Thomas@wv.gov>
Sent: Friday, November 01, 2019 2:54 PM
To: Jesse Alden <jalden@thethrashergroup.com>
Subject: RE: [External] FW: [External] Elizabeth WATER

CAUTION: External E-mail

Jesse,

So in your opinion was there any reason for Ms. Sargent stated that "This will also be required for Reedy Creek." Is she expecting further information from you?

Christopher W. Thomas, EIT, Infrastructure & Capacity Development
350 Capitol Street, Room 313, Charleston, WV 25301-3713
Phone: (304)356-4325 Fax:(304)558-0691 email: Christopher.w.thomas@wv.gov
Website: http://www.wvdhhr.org/oehs/eed/iandcd/

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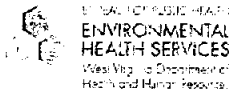

From: Jesse Alden <jalden@thethrashergroup.com>
Sent: Friday, November 1, 2019 2:49 PM
To: Thomas, Christopher W <Christopher.W.Thomas@wv.gov>
Subject: [External] FW: [External] Elizabeth WATER

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Chris,

See below from our Env. Scientist. I hope this clarifies your question.

Thanks,

JESSE ALDEN, PE
Project Manager | The Thrasher Group, Inc.
office: 304-343-7601 | 800-273-6541
mobile: 304-476-8488
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

From: Jeremiah Goudy <jgoudy@thethrashergroup.com>
Sent: Friday, November 01, 2019 2:24 PM
To: Jesse Alden <jalden@thethrashergroup.com>
Subject: RE: [External] Elizabeth WATER

I looked into it and short answer is no we do not need to get permission for the HDD. We have already received clearance from the USFWS and the USACE in regard to the HDD bores. However, the response letter from the USFWS only directly mentions the Little Kanawha River. This is what Barb was talking about in her email. In our submittal to USFWS we mention both crossings. Since the lead Federal agency, the USACE, has issued approval and stated the section 7 consultation with USFWS is complete. We have permission for both HDD crossings.

Please let me know if you have any questions or need anything else.

Thanks,

JEREMIAH GOUDY
Environmental Scientist I | The Thrasher Group, Inc.
office: 304-326-6122 | 800-273-6541
mobile: 304-918-8600
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

From: Jesse Alden <jalden@thethrashergroup.com>
Sent: Friday, November 01, 2019 12:59 PM
To: Jeremiah Goudy <jgoudy@thethrashergroup.com>
Subject: Fwd: [External] Elizabeth WATER

See below.

JESSE L. ALDEN, P.E.
PROJECT MANAGER | The Thrasher Group, Inc.
office: 304-343-7601 | 800-273-6541
mobile: 304-476-8488
fax: 304-343-7604
300 Association Drive | Charleston, WV 25311

OTHER

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P . Please consider the environment before printing this e-mail

Begin forwarded message:

From: "Thomas, Christopher W" <Christopher.W.Thomas@wv.gov>
Date: November 1, 2019 at 12:42:06 PM EDT
To: Jesse Alden <jalden@thethrashergroup.com>
Subject: RE: [External] Elizabeth WATER

CAUTION: External E-mail

Jesse,

So according to this we still need permission to do HDD across Reedy Creek, right? What is that status of that?

Christopher W. Thomas, EIT, Infrastructure & Capacity Development
350 Capitol Street, Room 313, Charleston, WV 25301-3713
Phone: (304)356-4325 Fax:(304)558-0691 email: Christopher.w.thomas@wv.gov
Website: http://www.wvdhhr.org/oehs/eed/iandcd/
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BUREAU FOR PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES
West Virginia Department of Health and Human Resources

From: Jesse Alden <jalden@thethrashergroup.com>
Sent: Friday, November 1, 2019 10:08 AM
To: Thomas, Christopher W <Christopher.W.Thomas@wv.gov>
Subject: [External] Elizabeth WATER

CAUTION: External email. Do not click links or open attachments unless you verify sender.

Chris,

Please see the attached email from the WVDNR regarding the mussel survey for the Elizabeth WATER project. As we discussed, since we are directional drilling the creek crossings a mussel survey is not required.

Thanks,

JESSE ALDEN, PE
Project Manager | The Thrasher Group, Inc.
office: 304-343-7601 | 800-273-6541

mobile: 304-476-8488
300 Association Drive | Charleston, WV 25311
www.thethrashergroup.com

OTHER

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Elkins Operations Center
738 Ward Rd., PO Box 67
Elkins, WV 26241
Telephone 304-637-0245
Fax 304-637-0250

Stephen S. McDaniel
Director

August 28, 2018

Mr. Paul Daniels
Bureau for Public Health
Environmental Engineering Division
350 Capitol Street, Room 313
Charleston, WV 25301-3713

Dear Mr. Daniels:

Thank you for contacting the WV Division of Natural Resources regarding Wild and Scenic Rivers in West Virginia. There are been no change in status of rivers in West Virginia since our 2009 letter. A segment of the Bluestone River in Summers County is the only river holding Wild & Scenic designation in the state. The other rivers with any federal designation are those administered by the National Park Service: The Gauley and Meadow rivers in Nicholas and Fayette counties, and the New River in Fayette County.

Please let me know if you require more information.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

USDA
United States Department of Agriculture
Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505
(304) 284-7540 (Phone)
(855) 857-6448 (Fax)

OTHER

April 15, 2019

Chris Thomas
Department of Health and Human Resources
350 Capitol Street, Room 313
Charleston, WV 25301

RE: Elizabeth Waterline Extension Project; Wirt County, WV

Mr. Thomas,

This is to acknowledge receipt of your request for evaluation of important farmland related to the above referenced project in Wirt County, WV. This important farmland information was requested in order for you to assess the environmental impacts of the proposed project in accordance with the National Environmental Policy Act.

The Farmland Protection Policy Act (FPPA – Public Law 97-98, 7 U.S.C. 4201) established the farmland conversion rating system to evaluate the impacts Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. Projects are subject to FPPA requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are implemented or assisted by a federal agency. Assistance from a federal agency includes loans, financial, and technical assistance.

Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project **does not** convert prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act.

If you have any questions regarding this determination, please contact me at 304-284-7588.

Michael Jones
Resource Soil Scientist

Attachment: NRCS-AD-1006

Cc: Jason Crislip, District Conservationist, NRCS, Ripley, WV
Aron Sattler, Resource Soil Scientist, NRCS, Beckley, WV

Helping People Help the Land

An Equal Opportunity Provider and Employer

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 11/28/2019
Name of Project Town of Elizabeth Water	Federal Agency Involved USDA-Rural Development
Proposed Land Use Water Distribution Extension	County and State Wirt, Co., WV
PART II *(To be completed by NRCS)*	Date Request Received By NRCS 3/28/2019 / Person Completing Form: Michael Jones

Does the site contain Prime, Unique, Statewide or Local Important Farmland? *(If no, the FPPA does not apply - do not complete additional parts of this form)*	YES ☐ NO ☑	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %	
Name of Land Evaluation System Used LESA	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS 4/15/2019	

		Alternative Site Rating			
PART III *(To be completed by Federal Agency)*		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV *(To be completed by NRCS)* Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)*	**Maximum Points**	Site A	Site B	Site C	Site D
1. Area In Non-urban Use	(15)				
2. Perimeter In Non-urban Use	(10)				
3. Percent Of Site Being Farmed	(20)				
4. Protection Provided By State and Local Government	(20)				
5. Distance From Urban Built-up Area	(15)				
6. Distance To Urban Support Services	(15)				
7. Size Of Present Farm Unit Compared To Average	(10)				
8. Creation Of Non-farmable Farmland	(10)				
9. Availability Of Farm Support Services	(5)				
10. On-Farm Investments	(20)				
11. Effects Of Conversion On Farm Support Services	(10)				
12. Compatibility With Existing Agricultural Use	(10)				
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or local site assessment)*	160	0	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐

Reason For Selection:

Name of Federal agency representative completing this form: | Date:

(See Instructions on reverse side)

Form AD-1006 (03-02)

WEST VIRGINIA

Infrastructure & Jobs Development Council

May 6, 2019

Penny Mcvay
City of Elizabeth
P. O. Box 478 / 200 Beverly Street
Elizabeth, WV 26143

Re: City of Elizabeth
Waterline Extension Project No. 2018W-1735
Approval of Preliminary Application

Dear Ms. Mcvay:

The West Virginia Infrastructure & Jobs Development Council (Council) has reviewed the preliminary application for the above-reference project.

Based on the findings of the Sewer Technical Review Committee, the Council has determined that the Project is technically feasible within the guidelines of the Infrastructure and Jobs Development Act. The Sponsor should carefully review the comments of the Sewer Technical Review Committee, as found on the Project Team Members' Dashboards at www.wvinfrastructure.com, as the Sponsor may need to address certain issues raised in said comments as it proceeds with the Project.

Below is loan information for this Project:
DWTRF Loan (0.75%, 0.5% Admin. Fee, 30 yrs.) - $2,600,000

Below is grant information for this Project:
DWTRF Principal Forgiveness Loan – $500,000.
IJDC District 2 Grant - $500,000

Total project cost is $3,600,000. If the Sponsor has any questions regarding this matter, please contact the undersigned at (304) 414-6501 (X106).

Sincerely,

Wayne D. Morgan
Executive Director

OTHER

cc: Stephanie Hickerson, WV DHHR, BPH
Tim S. Meeks, Mid-Ohio Valley Regional Council
Jonathan Carpenter, The Thrasher Group
Michael D. Griffith, Griffith & Associates
Samme Gee, Jackson & Kelly PLLC

Environmental Justice (EJ) Impact Analysis Certification

1. Applicant's name and proposed project name or description: Town of Elizabeth
   Rt. 5, Munday Road, Enterprise Road, and Fish Hatchery Road Water Extension Project

2. Are there any identified EJ (minority or low income population) areas within or nearby the proposed project area?
   ☐ Yes ☑ No

3. Is the applicant's proposed project likely to result in a change in the current land use patterns (types of land use, development densities)?
   ☐ Yes ☑ No

4. Does a demographic analysis indicate the applicant's proposed project may disproportionately affect any significant EJ populations?
   ☐ Yes ☑ No

   If the answer is no, skip to item 10. If the answer is yes, continue with items 5 through 9.

5. Identify, describe, and provide locations of EJ population _____

6. If a disproportionate adverse effect is expected to impact an EJ population, identify type/level of public outreach implemented. _____

7. Identify disproportionately high and adverse impacts on EJ populations. _____

8. Are adverse impacts appreciably more severe or greater in magnitude than the adverse impacts expected on non-minority/high-income populations?
   ☐ Yes ☐ No

9. Are alternatives and/or mitigation required to avoid impacts to EJ populations?
   ☐ Yes ☐ No

   If yes, describe action. _____

10. I certify that this certification accurately describes the impact to EJ populations and
    ☑ No major EJ impact is likely to result if the proposed project is implemented.
    ☐ A major EJ impact is likely to result if the proposed project is implemented.

Bobbi Moore, Mayor	Bobbi J. Moore	10-17-18
Printed Name & Title of Certifying Official	Signature	Date

OTHER

Jim Justice
Governor

WEST VIRGINIA HEALTHCARE AUTHORITY

Bill J. Crouch, Cabinet Secretary
West Virginia Department of
Health and Human Resources

RECEIVED
2019 NOV 18 A 10:39
OFFICE OF WEST VIRGINIA SECRETARY OF STATE

In Re:

CHARLESTON AREA MEDICAL CENTER, INC.
CON File No. 19-3-11701-P

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held, **January 29, 2020, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **February 5, 2020, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need for development of an ambulatory health care facility to provide primary care services.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

100 Dee Drive • Charleston, West Virginia 25311-1600 • 304.558.7000 • 304.558.4775/Fax • 1.888.[illegible]
www.hca.wv.gov

RECEIVED
NOV 18 2019
BY: .....

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED
2019 NOV 18 A 10: 39
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

In Re: **CHARLESTON AREA MEDICAL CENTER, INC.**
CON File # 19-3-11701-P

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **February 5, 2020, at 9:00 a.m.**

2. Prehearing conference date: **January 29, 2020, at 1:30 p.m.**

3. All replacement pages to CON application to be filed by: **November 25, 2019**
   Pursuant to W. Va. Code St. R. § 65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

4. Motions for discovery to be filed by: **December 9, 2019**

5. Discovery completed on or before: **January 10, 2020**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

6. Dispositive and preliminary motions to be filed by: **January 17, 2020**
   Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

7. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **January 17, 2020**

Entered this 13th day of November

OTHER

B. Allen Campbell
Senior Assistant Attorney General
Counsel for the West Virginia Health Care Authority

Jim Justice
Governor

Bill J. Crouch, Cabinet Secretary
West Virginia Department of
Health and Human Resources

FILED
2019 NOV 18 A 10:38
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re:

WESTERN MARYLAND HEALTH SYSTEM CORPORATION
CON File No. 19-8-11703-P

NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held, **January 29, 2020, at 2:00 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **February 14, 2020, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the need to operate the existing Hunt Club Medical Clinic facility as an ambulatory care center.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

OTHER

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 5:00 p.m.., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: November 14, 2019

Barbara Skeen
Barbara Skeen, Interim Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED
2019 NOV 18 A 10: 38
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: **WESTERN MARYLAND HEALTH SYSTEM CORPORATION**
CON File # 19-8-11703-P

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **February 14, 2020, at 9:00 a.m.**

2. Prehearing conference date: **January 29, 2020, at 2:00 p.m.**

3. All replacement pages to CON application to be filed by: **November 27, 2019**
   Pursuant to W. Va. Code St. R. § 65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

4. Motions for discovery to be filed by: **December 16, 2019**

5. Discovery completed on or before: **January 20, 2020**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

6. Dispositive and preliminary motions to be filed by: **January 27, 2020**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

7. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **January 27, 2020**

OTHER

Entered this 14th day of November, 2019

Barbara Skeen

Barbara Skeen, Interim Executive Director

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

2019 NOV 19 A 9:55

OTHER

STATE OF WEST VIRGINIA
SECRETARY OF STATE

In Re: **WESTERN MARYLAND HEALTH SYSTEM CORPORATION**
CON File # 19-8-11703-P

AMENDED HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **February 14, 2020, at 9:00 a.m.**

2. Prehearing conference date: **January 29, 2020, at 2:00 p.m.**

3. All replacement pages to CON application to be filed by: **November 27, 2019**
   Pursuant to W. Va. Code St. R. § 65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

4. Motions for discovery to be filed by: **December 16, 2019**

5. Discovery completed on or before: **January 20, 2020**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

6. Dispositive and preliminary motions to be filed by: **January 24, 2020**
   Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

7. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **January 24, 2020**

Entered this 18th day of November, 2019.

B. Allen Campbell

B. Allen Campbell
Senior Assistant Attorney General
Counsel for the West Virginia Health Care Authority

OTHER

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

FILED
2019 NOV 18 P 1:54
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

November 18, 2019

NEWS ITEM

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited application referenced below:

November 15, 2019 - Community Hospices of America, L.L.C. d/b/a Hospice Compassus – Southern West Virginia, Brentwood, Tennessee, CON File #19-1-11736-Y, for the multistate corporate restructuring and stock acquisition transaction involving Community Hospices of America L.L.C. d/b/a Hospice Compassus – Southern West Virginia, which owns and operates two hospice facilities in West Virginia; capital expenditure: $10,521,500.

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

The review cycle begins on **November 15, 2019**.

On or before **December 16, 2019**, any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **December 20, 2019**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application.

The Decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, additional information submitted to the Authority during the review, and the record of any Authority public

hearing. If there is no request for public hearing, the Decision will be issued on or before **January 14, 2020**.

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

11/18/19
Date

Barbara Skeen
Barbara Skeen, Director, Certificate of Need
Health Care Authority

OTHER

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

FILED
2019 NOV 18 P 3:30
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

November 18, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **November 15, 2019**.

CERTIFICATE OF NEED APPLICATION RECEIVED

November 12, 2019 - Community Hospices of America, L.L.C. d/b/a Hospice Compassus – Southern West Virginia, Brentwood, Tennessee, CON File #19-1-11736-Y, for the multistate corporate restructuring and stock acquisition transaction involving Community Hospices of America L.L.C. d/b/a Hospice Compassus – Southern West Virginia, which owns and operates two hospice facilities in West Virginia; capital expenditure: $10,521,500.

APPLICATIONS FOR EXEMPTION RECEIVED

November 15, 2019 – Valley Health Care, Inc., Mill Creek, Randolph County, CON File #19-7-11743-X, for the addition of ultrasound services.at its Elkins Community Health Center.

November 15, 2019 – Wheeling Hospital, Inc., Wheeling, Ohio County, CON File #19-10-11744-X, for the provision of mobile positron emission tomography (PET) services.

HEARING NOTICES

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matters:

November 13, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #19-3-11701-P, for the development of an ambulatory health care facility at 3257 Teays Valley Road, Hurricane, Putnam County; capital expenditure: $2,405,000.

Prehearing Conference: **January 29, 2020 at 1:30 p.m.**
Administrative Hearing: **February 5, 2020 at 9:00 a.m.**

November 14, 2019 - Western Maryland Health System Corporation, Cumberland, Maryland, CON File #19-8-11703-P, for the establishment of the Hunt Club Medical Clinic facility located at 45 Hunt Club Drive, Ridgeley, Mineral County, as an ambulatory care center; capital expenditure: $35,000.

Prehearing Conference: **January 29, 2020 at 2:00 p.m.**
Administrative Hearing: **February 14, 2020 at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matters will be held in the office of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

ORDER DENYING REQUEST FOR STAY PENDING REVIEW

November 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.

The Request for Stay Pending Review submitted by Raleigh General Hospital asking the Health Care Authority to "stay the effect and implementation of the Decision of the Authority dated September 9, 2019, with respect to the approval of the application of Beckley Appalachian Regional Healthcare, Inc., d/b/a Beckley ARH Hospital ("BARH") for a certificate of need to develop Primary PCI services" is DENIED.

HEARING ORDERS ISSUED

November 13, 2019 - Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #19-3-11701-P, for the development of an ambulatory health care facility at 3257 Teays Valley Road, Hurricane, Putnam County; capital expenditure: $2,405,000.

November 14, 2019 - Western Maryland Health System Corporation, Cumberland, Maryland, CON File #19-8-11703-P, for the establishment of the Hunt Club Medical Clinic facility located at 45 Hunt Club Drive, Ridgeley, Mineral County, as an ambulatory care center; capital expenditure: $35,000.

NOTICE OF PUBLIC COMMENT PERIOD

Proposed Certificate of Need Standards

The West Virginia Health Care Authority has scheduled a public comment period to receive comments on the following proposed Certificate of Need Standards:

- **Hospice Services**

Written comments may be submitted in care of Barbara Skeen, Interim Executive Director, West Virginia Health Care Authority, 100 Dee Drive, Charleston, WV 25311, or via email to Barbara.I.Skeen@wv.gov no later than **close of business, November 27, 2019.** Copies of the proposed Standards set forth above have been filed with the Secretary of State. The Standards may be viewed at the Authority's website, www.hca.wv.gov, or copies may be obtained by contacting the Authority at (304) 558-7000.

OTHER

PROJECT DETERMINED REVIEWABLE

November 14, 2019 – Charleston Area Medical Center, Inc., Charleston, Kanawha County, CON File #19-3-11722-X, for the relocation of several Charleston Area Medical Center, Inc. (CAMC) ambulatory health care facilities in Putnam County to a single building, which will be a two-story office building to be constructed on nearby land owned by CAMC; capital expenditure: $24,315,000.

PROJECT DETERMINED NOT REVIEWABLE

November 14, 2019 – Kanawha County Emergency Ambulance Authority, Charleston, Kanawha County, CON File #19-3-11733-X, for the provision of primary care services at the Kanawha County Employee Health and Wellness Center to the employees and families of the following additional agencies: Kanawha County Parks and Recreation Commission, Kanawha Valley Regional Transportation Authority and Central West Virginia Regional Airport Authority; no capital expenditure.

EXEMPTION APPLICATIONS APPROVED

November 15, 2019 – Holbrook RE Asset Co., LLC, Cincinnati, Ohio, CON File #19-7-11723-X, for the acquisition of the real property and assets of Holbrook Nursing Home, Inc.

November 15, 2019 – Holbrook Leasing Co., LLC, Cincinnati, Ohio, CON File #19-7-11724-X, for the operation of a nursing home currently owned and operated by Holbrook Nursing Home, Inc.

CERTIFICATE OF NEED APPROVALS ISSUED

November 14, 2019 - Personal Touch Home Care of W. Va., Inc., Hurricane, Putnam County, CON File #19-6/7-11595-Z, for the provision of home health services in Taylor and Barbour counties; capital expenditure: $47,000.

November 15, 2019 - NUSkool Scholars, LLC, Beaver, Raleigh County, CON File #19-1/3/4-11693-BH, for the provision of services to individuals with intellectual and developmental disabilities in Fayette, Kanawha, McDowell, Mercer, Raleigh, Summers and Wyoming counties; no capital expenditure.

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

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Dale W. Steager
State Tax Commissioner

FILED
2019 NOV 21 P 2:27
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

ADMINISTRATIVE NOTICE 2019-31

Notice of Determination of Average Wholesale Price of Motor Fuel for the Period of January 1, 2020 to December 31, 2020 for the Purposes of the West Virginia Motor Fuel Excise Tax.

This Administrative Notice sets forth the determination of the average wholesale price of conventional motor fuels and "alternative" motor fuels for the 2020 calendar year. The West Virginia Motor Fuel Excise Tax is composed of a flat rate equal to $0.205 per invoiced gallon or, for alternative fuel, per each gasoline gallon equivalent, plus a variable component of 5 percent of the average wholesale price of each fuel.

Alternative fuel includes butane, compressed natural gas (CNG), liquefied natural gas (LNG), liquefied petroleum gas (LPG or propane), and other specified fuels. For information regarding the determination of the gasoline gallon equivalent for alternative fuels, please see Administrative Notice 2015-25.

Notice is hereby issued, in accordance with Section 11-14C-5 of the West Virginia Code and based upon available information for the preceding review period, that the average wholesale prices of motor fuels for purposes of the Motor Fuel Excise Tax for the period beginning January 1, 2020 and ending December 31, 2020, inclusive, are as follows:

Table 1: Average Wholesale Prices for January 1, 2020 to December 31, 2020

Motor Fuel	Average Wholesale Price
Conventional Motor Fuels*	$3.040 per gallon
Compressed Natural Gas (CNG)	$5.019 per 1,000 cubic feet
Liquefied Natural Gas (LNG)	$0.409 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.670 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

The calculations of average wholesale prices as shown above include data from the Oil Price Information Services (OPIS) for conventional motor fuels and liquefied petroleum gas (LPG or Propane) and the U.S. Energy Information Administration (EIA) for natural gas. All references to cubic feet (CF) are based on measurement at standard pressure and temperature of 14.73 pounds of pressure per square inch at 60° Fahrenheit.

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999

Motor Fuel Excise Tax Rates: January 1, 2020 – December 31, 2020

Conventional Motor Fuels

For conventional motor fuels, including gasoline, diesel, kerosene, and related products, the **average wholesale price** shall be $3.040 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.152 per gallon ($3.040 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on conventional motor fuels is $0.205 per gallon resulting in a **combined tax rate of $0.357 per gallon**. This average wholesale price per gallon ($3.040), the variable component tax computed thereon ($0.152 per gallon), and the flat rate component ($0.205 per gallon) shall apply to all gallons of gasoline, diesel, kerosene, and related products sold, purchased, or used in this State during the period beginning January 1, 2020 and ending December 31, 2020, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $3.040 per gallon.

Compressed Natural Gas (CNG)

For compressed natural gas, the **average wholesale price** shall be $5.019 per 1,000 cubic feet (CF) for the referenced period, inclusive. The **variable component** computed thereon shall be $0.251 per 1,000 cubic feet ($5.019 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on compressed natural gas is $1.618 per 1,000 cubic feet of compressed natural gas, determined as follows:

$$\frac{\$0.205 \text{ per gal. conv. fuel}}{126.67 \text{ CF of CNG GGE}} = \$0.001618378 \text{ GGE per CF} \times 1{,}000 \text{ CF} = \$1.618 \text{ per } 1{,}000 \text{ CF CNG}$$

The **combined tax rate shall be $1.869 per 1,000 cubic feet**. This average wholesale price per 1,000 cubic feet ($5.019), the variable component tax computed thereon ($0.251 per 1,000 cubic feet), and the flat rate component ($1.618 per 1,000 cubic feet) shall apply to all units of compressed natural gas sold, purchased, or used in this State during the period beginning January 1, 2020 and ending December 31, 2020, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $5.019 per 1,000 per cubic feet. The tax rates for compressed natural gas specified in terms of the gasoline gallon equivalent (GGE) (126.67 cubic feet or 5.66 pounds) are shown in Table 2.

Liquefied Natural Gas (LNG)

For liquefied natural gas, the average wholesale price shall be $5.019 per 1,000 cubic feet for the referenced period, inclusive. The **average wholesale price** of liquefied natural gas in terms of GGE LNG gallons shall be $0.409 per gallon ($5.019 per 1,000 CF ÷ 1,000 CF × 126.67 CF per 1.554 gallons). The **variable component** computed thereon shall be $0.020 per gallon of LNG ($0.409 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied natural gas is $0.132 per gallon of liquefied natural gas,

determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.554 \text{ gallons of LNG GGE}} = \$0.132 \text{ per gallon of LNG}$$

The resulting **combined tax rate shall be $0.152 per gallon**. This average wholesale price per gallon ($0.409), the variable component tax computed thereon ($0.020 per gallon), and the flat rate component ($0.132 per gallon) shall apply to all gallons of liquefied natural gas sold, purchased, or used in this State during the period beginning January 1, 2020 and ending December 31, 2020, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.409 per gallon.

Liquefied Petroleum Gas (LPG or Propane)

For liquefied petroleum gas (LPG or propane), the **average wholesale price** shall be $0.670 per gallon for the referenced period, inclusive. The **variable component** computed thereon shall be $0.034 per gallon equivalent ($0.670 × 5%). The **flat rate component** of the Motor Fuel Excise Tax on liquefied petroleum gas is $0.150 per gallon of liquefied petroleum gas, determined as follows:

$$\frac{\$0.205 \text{ per gallon conventional fuel}}{1.367 \text{ gallons of LPG GGE}} = \$0.150 \text{ per gallon of LPG}$$

The resulting **combined tax rate shall be $0.184 per gallon**. This average wholesale price per gallon ($0.670), the variable component tax computed thereon ($0.034 per gallon), and the flat rate component ($0.150 per gallon) shall apply to all gallons of liquefied petroleum gas sold, purchased, or used in this State during the period beginning January 1, 2020 and ending December 31, 2020, inclusive, regardless of whether the actual purchase price of such motor fuel is more or less than $0.670 per gallon.

Field Gas

Effective June 9, 2016, sales of field gas were exempted from the variable and flat rate components of the Motor Fuel Excise Tax per West Virginia Code §11-14C-9a, et seq.

Definition of Common Terms

For the purposes of this notice:

"**Field equipment**" means generators, compressors, engines, micro turbines, turbines, or any other motor or apparatus used to power drilling rigs, well head equipment, gas processing units, compressors or compressor stations, fractionating plants, or any other equipment or apparatus used directly or indirectly in the production, gathering, transportation, or processing of natural gas or natural gas liquids or associated products.

"**Field gas**" means natural gas or any derivative thereof, extracted from a production well,

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gathering system, pipeline, main, or transmission line that is used as motor fuel to power field equipment. The term "field gas" does not include compressed natural gas, liquefied natural gas, liquefied petroleum gas, or conventional motor fuels, as listed in this notice.

"**GGE**" means gasoline gallon equivalent.

"**Natural gas**" means a mixture of hydrocarbons (e.g., methane, ethane, or propane), produced in geological formations beneath the Earth's surface that maintains a gaseous state at standard atmospheric temperatures and pressure under ordinary conditions, composed of at least 70 percent methane by volume.

Table 2: Motor Fuel Excise Tax Rates for January 1, 2020 to December 31, 2020

Motor Fuel	Flat Rate Tax	Variable Rate Tax	Combined Rate
Conventional Motor Fuels*	$0.205 per gallon	$0.152 per gallon	$0.357 per gallon
Compressed Natural Gas (CNG)	$1.618 per 1,000 cubic feet	$0.251 per 1,000 cubic feet	$1.869 per 1,000 cubic feet
Compressed Natural Gas (CNG) – GGE Measure	$0.205 per 126.67 cubic feet	$0.032 per 126.67 cubic feet	$0.237 per 126.67 cubic feet
Liquefied Natural Gas (LNG)	$0.132 per gallon	$0.020 per gallon	$0.152 per gallon
Liquefied Petroleum Gas (LPG or Propane)	$0.150 per gallon	$0.034 per gallon	$0.184 per gallon
Field Gas	Exempt per W.Va. Code §11-14C-9a		

* Conventional Motor Fuels include Gasoline, Diesel, Kerosene, etc. unless otherwise noted.

Notice of this determination will be filed in the West Virginia Register.

Issued: November 21, 2019

Dale W. Steager
Tax Commissioner