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Administration Law Division

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

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Health Care Authority

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	HEARING/COMMENT PERIOD/LOCATION
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	§19-11E-8	Written Comments Only: January 6, 2020 Jodee Martin 1900 Kanawha Boulevard, East Charleston, WV 25305 jodeemartin@wvda.us
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	§19-11E-8(2)	Written Comments Only: January 6, 2020 Jodee Martin 1900 Kanawha Boulevard, East Charleston, WV 25305 jodeemartin@wvda.us
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative	§19-11E-8	Written Comments Only: January 6, 2020 Jodee Martin 1900 Kanawha Boulevard, East Charleston, WV 25305 jodeemartin@wvda.us

NO NEW EMERGENCY RULES WERE FILED THIS WEEK

AGENCY	RULE/TYPE	AUTHORITY	EFFECTIVE DATE	DATE NOTICE FOR HEARING

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GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

$ Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency

$ If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	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
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
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TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
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				

RULE MONITOR

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 (61-15)	Grade "A" Pasteurized Milk Legislative	12/5/2019	1/6/2020						
Agriculture (61-19)	WV Manufacture-Grade Milk Legislative	12/5/2019	1/6/2020						
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			
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative	12/5/2019	1/6/2020						
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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						

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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						
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						

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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 (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/24/2019	12/9/2019						
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 Filed 12/5/2019			
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						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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						
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 Filed 12/2/2019			
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 Filed 12/2/2019			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
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 Filed 11/22/2019			
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 (133-26)	Underwood-Smith Teacher Scholarship Legislative	9/30/2019	10/30/2019		11/5/2019				
Higher Education Policy Commission (133-49)	Accountability System Legislative	6/17/2019	7/17/2019		7/18/2019	Approved 10/4/2019			
Highways (157-06)	Use of State Road Rights of Way and Adjacent Areas Legislative	6/27/2019	7/29/2019		7/29/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 11/25/2019			
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		12/6/2019				
Labor (42-32)	Supervision of Plumbing Work Legislative	6/10/2019	7/11/2019		7/17/2019	Approved 10/24/2019			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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				
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	10/24/2019	11/25/2019		11/26/2019				
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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		12/2/2019				
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 Filed 11/26/2019			
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 Filed 12/2/2019			
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			
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			

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Filed 12/2/2019			
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 Filed 11/27/2019			
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 Filed 11/27/2019			
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	7/24/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019			
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/25/2019	8/26/2019		9/23/2019	Modified & Approved 11/17/2019 Filed 11/27/2019			
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 Filed 11/27/2019			
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				
Psychologists (17-07)	Consideration of Prior Criminal Convictions in Initial Licensure Determinations Legislative	8/30/2019	9/30/2019		10/11/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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					12/5/2019	2/3/2020
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 Filed 12/3/2019			
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						
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				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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			
Veterinary Medicine (26-01)	Organization and Operation and Licenisng of Veterinarians Legislative	8/7/2019	9/8/2019		9/9/2019				

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEAACTION	LEGIS	FINAL FILE	EFFECTIVE
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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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture

TITLE-SERIES: 61-15

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

RULE NAME: Grade "A" Pasteurized Milk

CITE STATUTORY AUTHORITY: §19-11E-8

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 01/06/2020 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jodee Martin

ADDRESS: 1900 Kanawha Boulevard, East

Charleston, WV 25305

EMAIL: jodeemartin@wvda.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: Yes

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

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12/5/2019 3:39:42 PM
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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture

TITLE-SERIES: 61-19

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

RULE NAME: WV Manufacture-Grade Milk

CITE STATUTORY AUTHORITY: §19-11E-8(2)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 01/06/2020 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jodee Martin

ADDRESS: 1900 Kanawha Boulevard, East

Charleston, WV 25305

EMAIL: jodeemartin@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

(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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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture

TITLE-SERIES: 61-40

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

RULE NAME: WV Exempted Dairy Farms and Milk and Milk Products Processing Rules

CITE STATUTORY AUTHORITY: §19-11E-8

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 01/06/2020 12:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Jodee Martin

ADDRESS: 1900 Kanawha Boulevard, East

Charleston, WV 25305

EMAIL: jodeemartin@wvda.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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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Development Office

RULE TYPE: Legislative

TITLE-SERIES: 145-15

RULE NAME: Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program

CITE AUTHORITY: 5B-8-2

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

Wesley H White -- 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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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Election Commission

RULE TYPE: Legislative TITLE-SERIES: 146-01

RULE NAME: Corporate and Membership Organization Political Activity

CITE AUTHORITY: §3-8-8

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

Donald Kersey -- 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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12/2/2019 10:08:08 AM
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Election Commission

RULE TYPE: Legislative TITLE-SERIES: 146-03

RULE NAME: Regulation of Campaign Finance

CITE AUTHORITY: §3-1A-5, §3-8-2, §3-8-7, §3-8-8, §3-8-9, and §29A-3-1 et seq.

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

Donald Kersey -- 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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12/6/2019 8:43:51 AM

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LEGISLATIVE

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

AGENCY: Insurance Commission

TITLE-SERIES: 114-99

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

RULE NAME: 114-99 Pharmacy Auditing Entities and Pharmacy Benefit Managers

PRIMARY CONTACT

NAME: Victor Mullins

ADDRESS: PO Box 50540

Charleston, WV 25305-0540

EMAIL: victor.a.mullins@wv.gov

PHONE NUMBER: 304-558-0401

CITE STATUTORY AUTHORITY: W. Va. Code §33-51-10 and §33-2-10

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

The Insurance Commissioner is proposing a new rule relating to the licensing and regulation of Pharmacy Benefit Managers (PBMs) and registration of Pharmacy Auditing Entities, in response to Senate Bill 489 (2019), the Pharmacy Audit Integrity Act. The purpose of Senate Bill 489 was to provide for additional regulatory oversight of PBMs. The legislation requires PBMs to obtain a license from the Offices of the Insurance Commissioner (OIC), as opposed to only being registered as previously required. The licensing and regulation of PBMs will require much greater regulatory oversight by the OIC.
The OICs proposed rule sets forth the information the OIC considered necessary and appropriate to establish the qualifications of the PBM and for the PBM to receive a license, as required by the legislation. It also sets forth licensing, fees, application, financial standards, and reporting requirements for PBMs, as well as the penalties or fines for violation of the Act for both PBMs and auditing entities. The Act requires that the application and renewal fees for PBMs and auditing entities be sufficient to fund the OICs duties in regard to its responsibilities under the Act.
Senate Bill 489 became effective from passage. However, a PBM that was previously registered in this state may continue to do business in this state until the OIC has completed its legislative rule, provided that the PBM apply to be licensed within six months of completion of the final rule.

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 9/18/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 10/17/2019

COMMENTS RECEIVED: Yes

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

WEST VIRGINIA SECRETARY OF STATE

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12/2/2019 9:15:52 AM

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

AGENCY: Occupational Therapy

TITLE-SERIES: 13-08

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

RULE NAME: 13-08 Consideration of Prior Criminal Convictions in Initial Licensure Determinations

PRIMARY CONTACT

NAME: Vonda Malnikoff

ADDRESS: 1063 Maple Dr
Suite 4B
Morgantown, WV 26505

EMAIL: vmalnikoff@wvbot.org

PHONE NUMBER: 304-285-3150

CITE STATUTORY AUTHORITY: 30-28-7, 30-1-24

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

Passage of HB118 during 2019 First Extraordinary Session

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 10/30/2019

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 11/30/2019

COMMENTS RECEIVED: No

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

PUBLIC HEARING: No

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

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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

WEST VIRGINIA SECRETARY OF STATE
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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-01

RULE NAME: Licensure and Practice of Pharmacist Care

CITE AUTHORITY: 30-5-7

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

Ryan L Hatfield – 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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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Pharmacy

RULE TYPE: Legislative TITLE-SERIES: 15-16

RULE NAME: Regulations Governing Pharmacists

CITE AUTHORITY: 30-5-7

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

Ryan L Hatfield – 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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11/27/2019 3:06:27 PM
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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Physical Therapy

RULE TYPE: Legislative TITLE-SERIES: 16-01

RULE NAME: 16-01 General Provisions For Physical Therapist and Physical Therapy Assistant

CITE AUTHORITY: W. Va. Code §30-20-1, et. seq.

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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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11/27/2019 2:24:53 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Physical Therapy

RULE TYPE: Legislative TITLE-SERIES: 16-04

RULE NAME: 16-04 Fees for Physical Therapist and Physical Therapist Assistant

CITE AUTHORITY: W. Va. Code §30-20-1, et. seq.

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

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

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11/27/2019 2:41:01 PM
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LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Physical Therapy

RULE TYPE: Legislative TITLE-SERIES: 16-05

RULE NAME: Title 16-05 General Provisions For Athletic Trainers

CITE AUTHORITY: W. Va. Code §30-20A-1 et. seq.

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

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

WEST VIRGINIA SECRETARY OF STATE
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NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Physical Therapy

RULE TYPE: Legislative TITLE-SERIES: 16-06

RULE NAME: 16-06 Fees for Athletic Trainers

CITE AUTHORITY: W. Va. Code §30-20A-1 et. seq.

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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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11/27/2019 2:24:42 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Physical Therapy

RULE TYPE: Legislative TITLE-SERIES: 16-09

RULE NAME: 16-09 Application for Waiver of Initial Licensing Fees for Certain Individuals

CITE AUTHORITY: W. Va. Code §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

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
12/5/2019 3:19 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Public Service Commission TITLE-SERIES: 150-38

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

RULE NAME: Rules for the Government of Pole Attachments

CITE STATUTORY AUTHORITY: §§ 24-1-1, 24-1-7, 24-2-1, 24-2-2, 31G-4-4

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

February 3, 2020

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
12/3/2019 9:37:52 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Real Estate Commission

RULE TYPE: Legislative TITLE-SERIES: 174-07

RULE NAME: CONSIDERATION OF PRIOR CRIMINAL CONVICTIONS IN INITIAL LICENSE ELIGIBILITY DETERMINATION

CITE AUTHORITY: WV Code 30-40-8

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

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered

NO ORDERS RECEIVEDTHIS WEEK

12/6/2019 8:57:18 AM

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
[illegible]	**Hisel Bailey**	Department Of Health And Human Resources	11/19/2019
		Mildred Mitchell-Bateman Hosp	11/19/2019
[illegible]	**Lois Jean Morris**	Nicholas County Board Of Education	11/19/2019
[illegible]	**Kamali Connell**	Monroe County Board Of Education	11/19/2019
[illegible]	**Johnny Nicholas Hager**	Mingo County Board Of Education	11/19/2019
[illegible]	**Cindy S. Scott**	West Virginia University	11/20/2019
[illegible]	**Amanda Stanley**	Mason County Board Of Education	11/21/2019
[illegible]	**Thomas Burgess**	Division Of Highways	11/22/2019
[illegible]	**Samuel Cutright, et al.,**	Health And Human Resources	11/22/2019
		William R. Sharpe, Jr. Hospital	11/22/2019
[illegible]	**Patsy Arnold**	Health And Human Resources	11/25/2019
		Mildred Mitchell-Bateman Hospital	11/25/2019
[illegible]	**Margaret Myers**	Monroe County Board Of Education	11/25/2019
[illegible]	**Kathy D. Roberts**	Fayette County Board Of Education	11/25/2019
[illegible]	**Aletha T. Thomas**	Fayette County Board Of Education	11/25/2019
[illegible]	**Marsha Thompson**	Wayne County Board Of Education	11/25/2019
[illegible]	**Tia I Wright**	Wetzel County Board Of Education	11/25/2019

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

CHARLESTON

EXECUTIVE ORDER

EXECUTIVE ORDER NO. 7-19

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 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, Executive Order 6-19 entered by me, as Governor, on November 20, 2019 (the "Initial Order") provided that the Bonds would be sold to the lowest true interest cost bidders pursuant to a competitive bid scheduled to be opened on December 3, 2019 (the "Sale Date"); and

WHEREAS, a Notice of Sale with respect to the Bonds (the "Notice of Sale") was published in The Bond Buyer on November 26, 2019, which provided for two bidding groups for the Bonds; and

WHEREAS, the State has received 6 qualifying bids for the purchase of the first bidding group of the Bonds (the "Bidding Group One Bonds") and 6 qualifying bids for the purchase of the second bidding group of the Bonds (the "Bidding Group Two Bonds"); and

WHEREAS, upon the advice of Public Resources Advisory Group, the State's financial advisor (the "Financial Advisor"), it has been determined that the lowest true interest cost bidder for the purchase of the Bidding Group One Bonds is Jefferies LLC (the "Bidding Group One Successful Bidder") and the lowest true interest cost bidder for the purchase of the Bidding Group Two Bonds is Citigroup Global Markets, Inc. (the "Bidding Group Two Successful Bidder" and together with the Bidding Group One Successful Bidder, the "Successful Bidders"); and

WHEREAS, this Order is being entered for the purposes of approving and confirming the sale of the Bonds to the Successful Bidders and providing for the terms of the Bonds, all as described in the Initial Order; and

WHEREAS, the proceeds of the sale of the Bonds to the Successful Bidders (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. Incorporation. The provisions of the Initial Order are incorporated and made a part of this Order as though set forth in full herein, and are hereby ratified and confirmed.

Section 2. Issuance of the Bonds. The issuance of the Bonds on behalf of the State in the aggregate principal amount of $600,000,000 and dated December 17, 2019 is hereby authorized and approved. The respective interest rates per annum and the maturity schedule and provisions for payment or redemption for the Bonds are set forth in Exhibit A hereto and incorporated herein by reference. The Bonds shall finally mature on June 1, 2044. The form of

the Bonds, attached as Exhibit B hereto is hereby approved, subject to appropriate insertions and variations as are approved by me, as Governor; 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 the Co-Registrar, for registration, authentication and delivery as provided herein.

Section 3. Sale of the Bonds.

(A) Based upon the analysis of the Financial Advisor, the Bidding Group One Successful Bidder is hereby declared the lowest bidder for the Bidding Group One Bonds. The Bidding Group One Bonds shall be sold to the Bidding Group One Successful Bidder (or at Bidding Group One Successful Bidder's direction, a syndicate led by Bidding Group One Successful Bidder) at a true interest cost (as defined in the Notice of Sale) of 2.376593%. For the purchase of the Bidding Group One Bonds, the Bidding Group One Successful Bidder shall wire to the State $399,346,264.70 (par amount plus original issue premium of $79,631,264.70). At closing, the State will wire the Bidding Group One Successful Bidder's original purchaser's discount in the amount of $1,381,344.64 from the Roads to Prosperity Bond Debt Service Fund.

(B) Based upon the analysis of the Financial Advisor, the Bidding Group Two Successful Bidder is hereby declared the lowest bidder for the Bidding Group Two Bonds. The Bidding Group Two Bonds shall be sold to the Bidding Group Two Successful Bidder (or at Bidding Group Two Successful Bidder's direction, a syndicate led by Bidding Group Two Successful Bidder) at a true interest cost (as defined in the Notice of Sale) of 3.413172%. For the purchase of the Bidding Group Two Bonds, the Bidding Group Two Successful Bidder shall wire to the State $347,230,171.20 (par amount plus original issue premium of $66,945,171.20). At closing, the State will wire the Bidding Group Two Successful Bidder's original purchaser's discount in the amount of $420,427.50 from the Roads to Prosperity Bond Debt Service Fund.

Section 4. Official Statement. The final Official Statement of the State with respect to the Bonds, to be dated the date of sale of the Bonds, in substantially the form attached hereto as Exhibit C together with any amendments or supplements thereto as I shall approve in consultation with the Financial Advisor, Bond Counsel, Disclosure Counsel and other advisors to the State (as so amended and supplemented, the "Official Statement"), in connection with the sale of the Bonds,

is hereby confirmed and approved. As Governor, I shall execute and deliver an appropriate number of copies of such Official Statement to the Successful Bidders for distribution to prospective purchasers thereof and other interested persons.

Section 5. Effective Date. This Order shall take effect on the date hereof.

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

EXECUTIVE ORDER

Done at the Capitol, in the City of Charleston, State of West Virginia, this the Third day of December, 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

4850-8831-3000.v3-12/3/19

EXHIBIT A

$600,000,000
State of West Virginia General Obligation State Road Bonds
Series 2019 A

Principal Amounts, Interest Rates and Prices
Optional and Mandatory Redemption

Maturity Date	Amount ($)	Rate	Yield		Price
12/1/2022	7,640,000	5.000%	1.150%		111.155
6/1/2023	7,830,000	5.000%	1.160%		112.969
12/1/2023	8,025,000	5.000%	1.170%		114.761
6/1/2024	8,225,000	5.000%	1.200%		116.437
12/1/2024	8,430,000	5.000%	1.220%		118.122
6/1/2025	8,640,000	5.000%	1.270%		119.599
12/1/2025	8,860,000	5.000%	1.290%		121.201
6/1/2026	9,080,000	5.000%	1.360%		122.422
12/1/2026	9,305,000	5.000%	1.370%		124.004
6/1/2027	9,540,000	5.000%	1.430%		125.160
12/1/2027	9,780,000	5.000%	1.450%		126.582
6/1/2028	10,020,000	5.000%	1.530%		127.423
12/1/2028	10,275,000	5.000%	1.560%		128.647
6/1/2029	10,530,000	5.000%	1.620%		129.521
12/1/2029	10,795,000	5.000%	1.640%	1	129.318
6/1/2030	11,060,000	5.000%	1.710%	1	128.610
12/1/2030	11,340,000	5.000%	1.730%	1	128.409
6/1/2031	11,620,000	5.000%	1.760%	1	128.108
12/1/2031	11,915,000	5.000%	1.780%	1	127.907
6/1/2032	12,210,000	5.000%	1.820%	1	127.508
12/1/2032	12,515,000	5.000%	1.850%	1	127.209
6/1/2033	12,830,000	5.000%	1.900%	1	126.713
12/1/2033	13,150,000	5.000%	1.910%	1	126.614
6/1/2034	13,480,000	5.000%	1.950%	1	126.219
12/1/2034	13,815,000	5.000%	1.950%	1	126.219
6/1/2035	14,160,000	5.000%	1.990%	1	125.826
12/1/2035	14,515,000	5.000%	1.990%	1	125.826
6/1/2036	14,880,000	5.000%	2.030%	1	125.434
12/1/2036	15,250,000	5.000%	2.030%	1	125.434
6/1/2037	15,630,000	5.000%	2.080%	1	124.946
12/1/2037	16,020,000	5.000%	2.080%	1	124.946
6/1/2038	16,420,000	5.000%	2.110%	1	124.654
12/1/2038	16,835,000	5.000%	2.110%	1	124.654
6/1/2039	17,255,000	5.000%	2.140%	1	124.363
12/1/2039	17,685,000	5.000%	2.140%	1	124.363
6/1/2040	18,125,000	5.000%	2.180%	1	123.977
12/1/2040	18,580,000	5.000%	2.180%	1	123.977
6/1/2041	19,045,000	5.000%	2.210%	1	123.688
12/1/2041	19,520,000	5.000%	2.210%	1	123.688
6/1/2042	20,010,000	5.000%	2.240%	1,2	123.400
12/1/2042	20,510,000	5.000%	2.240%	1,2	123.400
6/1/2043	21,020,000	5.000%	2.270%	1,3	123.112
12/1/2043	21,545,000	5.000%	2.270%	1,3	123.112
6/1/2044	22,085,000	5.000%	2.280%	1	123.017

1. Bonds are priced to an optional early redemption date of June 1, 2029.
2. Represents maturities in the December 1, 2042 term bond.
3. Represents maturities in the December 1, 2043 term bond.

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4850-8831-3000.v3-12/3/19

REDEMPTION PROVISIONS

EXECUTIVE ORDER

Optional Redemption

The Bonds maturing on or after December 1, 2029, are subject to optional redemption at the option of the State, prior to maturity, on or after June 1, 2029, in whole or in part at any time from amounts deposited with the Paying Agent by the State and from other funds available therefor at a redemption price of par, plus accrued interest to the date fixed for redemption. 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.

Mandatory Redemption

The Bonds maturing on December 1, 2042 are required to be redeemed prior to maturity, in part, on June 1 and December 1 in the years and amounts, and at a redemption price of 100% of the principal amount thereof to be redeemed plus interest accrued and unpaid to the redemption date, as follows:

Date (Month/Year)	Principal Amount
June 1, 2042	$20,010,000
December 1, 2042*	$20,510,000

* Final Maturity.

The Bonds maturing on December 1, 2043 are required to be redeemed prior to maturity, in part, on June 1 and December 1 in the years and amounts, and at a redemption price of 100% of the principal amount thereof to be redeemed plus interest accrued and unpaid to the redemption date, as follows:

Date (Month/Year)	Principal Amount
June 1, 2043	$21,020,000
December 1, 2043*	$21,545,000

* Final Maturity.

EXHIBIT B

BOND FORM

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the State or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA
STATE OF WEST VIRGINIA
GENERAL OBLIGATION STATE ROAD BONDS,
SERIES 2019 A

No. AR-1 $_____

INTEREST RATE	MATURITY DATE	BOND DATE	CUSIP
_____%	[June][December] 1, 20__	_____	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

KNOW ALL MEN BY THESE PRESENTS: That the STATE OF WEST VIRGINIA (the "State"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner specified above, or registered assigns (the "Registered Owner"), on the Maturity Date specified above, upon presentation and surrender hereof, the Principal Amount specified above and to pay interest on said Principal Amount from the Interest Payment Date (as hereinafter defined) preceding the date of authentication hereof or, if authenticated after the Record Date (as hereinafter defined) but prior to the applicable Interest Payment Date or on said Interest Payment Date, from said Interest Payment Date or, if no interest has been paid, from the Bond Date specified above, at the Interest Rate per annum specified above, semiannually, on June 1 and December 1 in each year, beginning June 1, 2020 (each an "Interest Payment Date"), until maturity or until the date fixed for redemption if this Bond is called for prior redemption and payment on such date is provided for. The Treasurer of the State of West Virginia, Charleston, West Virginia, shall act in the capacities of co-registrar and paying agent for the Bonds (the "Paying Agent").

Interest accruing on this Bond on and prior to the Maturity Date hereof shall be payable by check or draft mailed by the Paying Agent to the Registered Owner hereof as of the applicable Record Date (each May 15 and November 15) or, in the event of a default in the payment of Bonds, that special record date to be fixed by the Paying Agent by notice given to the Registered Owners not less than 10 days prior to said special record date at the address of such Registered Owner as it appears on the registration books of the State maintained by United Bank, Charleston, West Virginia, as co-registrar (the "Co-Registrar"), 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. Principal and premium, if any, shall be

paid when due upon presentation and surrender of this Bond for payment to the Paying Agent, in Charleston, West Virginia.

This Bond is one of a series of bonds of the State designated as "General Obligation State Road Bonds, Series 2019 A" (the "Bonds"), issued by the State in the aggregate principal amount of Six Hundred Million Dollars ($600,000,000.00). The Bonds are in fully registered form, without coupons, and are issued under the authority of and in full compliance with the Constitution and statutes of the State of West Virginia, including particularly, the "Roads To Prosperity Amendment of 2017" of the West Virginia Constitution (the "Amendment"), Chapter 17, Article 26A of the West Virginia Code of 1931, as amended (the "Bond Act"), House Concurrent Resolution 104 duly adopted by the Legislature of the State of West Virginia (the "Legislature") on July 23, 2019 (the "Resolution"), an Executive Order entered by the Governor of the State on November 20, 2019 (the "Initial Order"), and an Executive Order entered by the Governor of the State on December 3, 2019 (the "Subsequent Order", and together with the Initial Order, the "Executive Order"). The terms and provisions of the Amendment, the Bond Act, the Resolution and the Executive Order are hereby incorporated by reference as if set forth fully herein. The Bonds are issued on parity with the State's $167,600,000 General Obligation State Road Bonds, Series 2018 A, issued June 7, 2018, the State's $632,400,000 General Obligation State Road Bonds, Series 2018 B, issued June 7, 2018, and any bonds subsequently issued payable from the Roads to Prosperity Bond Debt Service Fund.

This Bond may be transferred or exchanged by the Registered Owner hereof upon surrender of this Bond to the Paying Agent at its office in Charleston, West Virginia, accompanied by a written instrument or instruments of transfer in form, with instructions, and with guaranty of signature satisfactory to the Paying Agent, duly executed by the Registered Owner of this Bond or his attorney-in-fact or legal representative. The Paying Agent shall enter any transfer of ownership of this Bond in the registration books and the Co-Registrar shall authenticate and deliver in the name of the transferee or transferees a new fully registered bond or bonds of authorized denominations of the same maturity and form for the aggregate denominations of the same maturity and form for the aggregate amount which the transferee is entitled to receive at the earliest practicable time. The State and the Paying Agent may deem and treat the registered owner hereof as the absolute owner thereof (whether or not this Bond shall be overdue) for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the State and the Paying Agent shall not be affected by any notice to the contrary. All payments made to the Registered Owner of a Bond, as herein provided, shall be valid and effectual to satisfy in full and discharge the liability of the State upon the Bond as paid.

This Bond, together with all other general obligation state road bonds previously, concurrently or hereafter issued, is a general obligation of the State of West Virginia and is payable equally, ratably and without priority or distinction as between all such bonds. Additionally, this Bond is secured by the pledge set forth in the Bond Act. Pursuant to the Bond Act, the Bonds and the interest thereon shall be exempt from taxation by the State, or any county, district or municipality thereof.

Optional Redemption Provisions

The Bonds maturing on or after December 1, 2029 are subject to optional redemption at the option of the State, prior to maturity, on or after June 1, 2029, in whole or in part at any time from amounts deposited with the Paying Agent by the State and from other funds available therefor at a redemption price of par, plus accrued interest to the date fixed for redemption. 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.

Mandatory Redemption Provisions

The Bonds maturing on December 1, 2042 are required to be redeemed prior to maturity, in part, on June 1 and December 1 in the years and amounts, and at a redemption price of 100% of the principal amount thereof to be redeemed plus interest accrued and unpaid to the redemption date, as follows:

Date (Month/Year)	Principal Amount

EXECUTIVE ORDER

June 1, 2042	$20,010,000
December 1, 2042*	$20,510,000

* Final Maturity.

The Bonds maturing on December 1, 2043 are required to be redeemed prior to maturity, in part, on June 1 and December 1 in the years and amounts, and at a redemption price of 100% of the principal amount thereof to be redeemed plus interest accrued and unpaid to the redemption date, as follows:

Date (Month/Year)	Principal Amount
June 1, 2043	$21,020,000
December 1, 2043*	$21,545,000

* Final Maturity.

Notice of any redemption of Bonds shall be given by the Paying Agent or the Co-Registrar, on behalf of the State, to the registered owners of the Bonds to be redeemed at least thirty (30) and not more than sixty (60) days prior to the date fixed for redemption, in accordance with the directions and requirements of DTC, and by first-class mail, postage prepaid, or electronic means at the address appearing in the register or at such other address as is furnished in writing by the registered owner to the Paying Agent. Failure to receive such notice or any defect therein or in the mailing thereof shall not affect the validity of any proceedings for the redemption of the Bonds and failure to mail such notice shall not affect the validity of any such proceedings for any Bond with respect to which no such failure has occurred. Notice of redemption having been given in the manner described herein, and moneys necessary for the redemption of the Bonds having been deposited, the Bonds specified in such notice shall, on the date fixed for redemption, become due and payable and from and after such date (unless the State shall default in the payment of the redemption price), such Bonds shall cease to bear interest.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required by the laws of the State of West Virginia to exist, to have happened or to have been performed, precedent to or in connection with the issuance of this Bond or in the creation of the debt of which this Bond is evidence, exist, have happened and have been performed in regular and due form and manner as required by law; that the amount of this Bond, together with all other obligations of said State, does not exceed any limit prescribed by the Constitution or statutes of the State of West Virginia; that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of the State of West Virginia; that the full faith and credit and resources of the State have been irrevocably pledged within the limitations prescribed by the Constitution and statutes of the State to secure the payment of the principal of and interest on this Bond; that an annual State tax shall be collected in an amount sufficient to pay as they may accrue the principal of and interest on this Bond; and that such tax shall be levied in any year only to the extent that the moneys transferred to the debt service fund created pursuant to the Bond Act which are irrevocably set aside and appropriated for and applied to the payment of the principal of and interest on any general obligation State road bonds are insufficient therefor.

The State and the Paying Agent shall not be required to issue or transfer any Bonds during a period beginning with the close of business on the Record Date next preceding any Interest Payment Date and ending at the close of business on such Interest Payment Date. Both the principal of and interest on this Bond shall be payable in the lawful money of the United States of America and this Bond and the interest hereon shall be exempt from taxation by the State of West Virginia, or by any county, district or municipality thereof. The State has caused CUSIP numbers to be printed on the Bonds, and has directed the Paying Agent to use such numbers in notices, if any, as a convenience to bondholders. No representation is made as to the accuracy of such numbers either as printed on the Bonds or as contained in any notice.

This Bond shall not be entitled to any benefit under the Amendment, Bond Act, Resolution or the Executive Order, nor shall it be valid, obligatory or enforceable for any purpose until this Bond shall have been authenticated by an authorized officer of United Bank as Co-Registrar.

IN WITNESS WHEREOF, THE STATE OF WEST VIRGINIA has caused this Bond to be duly signed in its name and on its behalf by the GOVERNOR of the STATE OF WEST VIRGINIA and countersigned by the SECRETARY OF STATE of the STATE OF WEST VIRGINIA and has caused the great seal of the State of West Virginia to be hereto affixed in the manner provided in the Executive Order, all as of the Bond Date.

EXECUTIVE ORDER

STATE OF WEST VIRGINIA

_____
Governor

_____
Secretary of State

GREAT SEAL OF THE
STATE OF WEST VIRGINIA

REGISTRAR'S CERTIFICATE OF
AUTHENTICATION AND REGISTRATION

This Bond is one of the Bonds of the Series designated therein, described in the within-mentioned Executive Order and has been duly registered in the name of the Registered Owner set forth above, as of the date set forth below.

Date of Authentication: December __, 2019

UNITED BANK,
as Co-Registrar

By _____
Its Authorized Officer

ASSIGNMENT

Social Security or Other Identifying Number of Assignee _____

_____

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

_____

_____ the within Bond and does hereby irrevocably constitute and appoint _____

_____

_____ to transfer the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____, _____.

_____

SIGNATURE GUARANTEED:

_____
(Bank, Trust Company or Firm)

_____
(Authorized Officer)

NOTICE: The Assignor's signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

EXECUTIVE ORDER

EXHIBIT C

OFFICIAL STATEMENT
(See Tab 9 of Transcript)

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

OTHER

Bill J. Crouch
Cabinet Secretary

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

MEMORANDUM

To: Interested Parties

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

Date: December 2, 2019

Subject: Nettie-Leivasy PSD
Raw Waterline Replacement and McCue Road Waterline Extension
Environmental Review (FONSI)
DWTRF Project Number: **19DWTRFA006**
Nicholas County

FILED
2019 DEC -2 P 4:27

Please find enclosed the Nettie-Leivasy PSD's Raw Waterline Replacement and McCue Road Waterline 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:

Nettie-Leivasy PSD
Fred Hypes, Dunn Engineering (email copy)
Cassandra Lawson, Region 4 Planning and Development Council (email copy)
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 26, 2019

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

Nettie-Leivasy PSD
125 Cedar Road
P.O. Box 88
Nettie, WV 26681-0000
WVIJDC Project #: **2018W-1737**
SRF Project #: **19DWTRFA006**

Raw Waterline Replacement and McCue Road Waterline Extension

(Official Project Name and Number)

Nettie-Leivasy PSD
125 Cedar Road
P.O. Box 88
Nettie, WV 26681-0000

(Project Applicant)

Nettie-Leivasy PSD
Nicholas County, WV

(Project Location, City, County, State)

$ 1,675,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 2,175,000

(Estimated Total Project Cost)

OTHER

ENVIRONMENTAL ASSESSMENT

for the

Nettie-Leivasy PSD Raw Waterline Replacement and McCue Road Waterline Extension Project
WV IJDC Project No.: **2018W-1737/** SRF Project No.: **19DWTRFA006**

I. PROPOSED PROJECT:

The Nettie-Leivasy Public Service District (PSD) owns and operates a water treatment and distribution system that serves 1,400 customers in the communities of Nettie, Leivasy, Canvas, Carl and Green Valley, all in Nicholas County, West Virginia. The PSD's service area generally parallels WV Route 39 from Summersville Lake east to Nettie, and then parallels WV Route 20 from Nettie south to Leivasy, Carl and Green Valley.

This project replaces the existing raw water main and filter media at the water treatment plant and extends water service to approximately 13 new customers on McCue Road, Lonesome Pine Lane and Morning Glory Lane. The project includes approximately 1.6 miles (8,500 feet) of 6-inch to 8-inch raw waterline, three (3) check valve stations, 107 cubic feet of silica sand, 235 cubic feet of anthracite coal, approximately 2.3 miles (12,200 feet) of 2-inch to 8-inch distribution line, 7 gate valves, 4 fire hydrants, 2 blow-off assemblies and other appurtenances.

II. PURPOSE AND NEED:

Over the past two years the existing 6-inch raw water main has developed numerous leaks that have, at times, seriously impacted the ability of the water treatment plant to meet the potable water demand, especially since the plant is operated for 18 hours or more per day. The main is located along the narrow shoulders of WV Route 39, and a portion of the main lies directly beneath the guardrail, which makes repairs both dangerous and difficult.

The existing filter sand and anthracite in the filters has become fouled with polymer and needs to be replaced. The polymer cannot be removed by backwashing, and the fouling has caused problems with production.

Thirteen homes on McCue Road, Lonesome Pine Lane and Morning Glory Lane currently draw their water from wells drilled into the massive sandstone formations that overlook Summersville Lake and the Gauley River. These wells produce only marginal quantities of water, and the residents have requested that the Nettie Leivasy PSD extend potable water service to them.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

With the do nothing alternative, the existing raw water main would be allowed to remain in service and being repaired as leaks develop. Severe leaks will hinder water treatment plant operation and could cause water service to be interrupted. Costs to repair the main will escalate, and a major leak in the outslope of WV Rt. 39 could cause serious structural damage to the

roadway. Since the adoption and implementation of this alternative would lead to the eventual failure of the raw water main, it is neither appropriate nor implementable.

The existing polymer fouled filter sand and anthracite will remain in the filters and continue to cause more frequent backwashes (up to 50% more frequent than with clean filter media) and cause difficulty with system recovery when a large main break occurs and drains the system's tanks. Once the tanks are drained, the filters cannot be readily backwashed and returned to full capacity. Since the adoption and implementation of this alternative will lead to additional service interruptions, it is neither appropriate nor implementable.

The residents along McCue Road, Lonesome Pine Lane and Morning Glory Lane would continue to use marginally productive wells that can go dry during periods of low precipitation. Adoption of this alternative would cause those residents to continue to utilize those wells, which is not acceptable since a readily available source of public water can be extended to those residents.

IV. EVALUATION OF ALTERNATIVES:

No Action

Alternative described above.

Main Line Replacement

The DOH alternative will replace the existing PVC Class 160 pipe with new Class 350 DIP along the route of the existing pipe. Approximately 3,000 LF of 6-inch and 4,000 LF of 8-inch Class 350 DIP (both with Field Lock Gaskets) would be installed (the 8-inch pipe will be used to account for the additional roughness of the DIP). Temporary restrained joint PVC pipe will be installed on a daily basis to bypass the area of active pipe installation and to allow the water treatment plant to remain in service during construction. Because the pipe is being installed in the shoulders of WV Rt. 39, active traffic control (pilot trucks) will be required, as will the installation of shoulder stone.

The Jim Branch Alternative will install approximately 4,500 LF of 6-inch and 4,000 LF of 8-inch Class 350 DIP (with field lock gaskets) along Panther Creek and Jim Branch to connect the raw water pumping station to the water treatment plant. With this alternative, the pipe would be installed along a logging road. Like the first replacement alternative, this one would replace the existing raw waterline with new ductile iron pipe that will be much more resistant to breaking and leaking than the existing PVC pipe. It will also be located away from the DOH right of way and away from the busy WV Rt. 39 and its narrow shoulders. Access for the new raw water main would be readily available via the existing logging road. Burial depths of 60 inches will provide sufficient cover to protect the pipe during future logging operations.

Alternative	Implementation	Reliability	Capital Cost	Total Score
No Action	3	3	1	7

DOH	2	2	3	7
Jim Branch	1	1	2	4
1 = best, 3 = worst				

Based on the evaluation of the alternatives, constructing a new raw water main along Panther Creek and Jim Branch is the most cost effective, implementable and reliable alternative.

Filter Media Replacement

The alternative to doing nothing evaluated for the filter media was to remove and replace the fouled sand and anthracite in the two filter basins. This alternative eliminates the problem of the fouled media and can be easily and quickly accomplished. The replacement will be performed on one basin at a time to allow production to proceed on an uninterrupted basis.

Waterline Extension

The booster pump station alternative evaluated was to extend water service to 13 potential customers. This alternative will extend the existing main on McCue Road by 8,500 feet and utilize a new hydro-pneumatic booster pumping station to provide adequate pressure to the new customers. The new water mains would be installed on the shoulder of or adjacent to roadways in the area.

The WV Route 39 gravity fed connection evaluated for serving new customers along McCue Road, Lonesome Pine Lane and Morning Glory Lane was to connect to the existing 6-inch main along WV Rt. 39 and installing 8,400 LF of 8-inch, 1,800 LF of 6-inch and 2,000 LF of 2-inch mains, along with four new fire hydrants. This alternative would provide adequate pressure to serve the 13 new customers without the need for a new booster pumping station.

Also, with the Route 39 gravity fed connection the 8,400 LF of 8-inch PVC Class 250 main is being proposed to begin implementing the connection to the City of Summersville's water system. While the 8-inch pipe is significantly oversized for the 37 GPM peak flow rate required to serve the 13 new customers, it will prevent the PSD from having to install the pipe in the future when the connection to Summersville is constructed.

Alternative	Implementation	Reliability	Capital Cost	Total Score
No Action	3	3	1	7
Extension w/ Booster PS	2	2	3	7
Extension - Gravity Conn.	1	1	2	4
1 = best, 3 = worst				

The best alternative, based on the evaluation, is to extend water service to 13 additional customers on McCue Road with a gravity connection from the existing main along WV Rt. 39. The selected alternative is also the least costly to operate and maintain.

OTHER

V. DESCRIPTION OF EXISTING ENVIRONMENT:

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

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the Nettie-Leivasy PSD Raw Waterline Replacement Project, dated December 11, 2017 states: "We assume, therefore, that the proposed undertaking will require no further tree clearance. If this is the case, then it is our opinion the proposed undertaking will have no effect on historic architectural resources. The letter also states: "In our opinion, no archaeological historic properties will be affected by the proposed project."

   A letter from the WV Division of Culture and History regarding the Nettie-Leivasy PSD McCue Road Waterline Extension Project, dated August 23, 2019 states: "In our opinion, the project will have no effect on archeological historic properties." The letter also states: "After review of the submitted information, it is our opinion that there are no architectural resources eligible for or included in the National Register of Historic Places that will be affected by the proposed project. (see attached letters)

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

3. **Clean Air Act, Pub. L. 84-159** – A letter from the WV DEP, Division of Air Quality, dated November 16, 2017 and August 13, 2019 regarding the Nettie-Leivasy PSD Raw Waterline Replacement Project and the Nettie-Leivasy PSD McCue Road Waterline Extension Project mentions "...the project referenced above as outlined in your letter does not appear to require any pre-construction permits, authorizations, or air quality analyses by the WVDAQ..." (see attached letters)

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding Nettie-Leivasy PSD Raw Waterline Replacement Project, dated November 14, 2017, states "We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species."

   A letter from the United States Department of the Interior, Fish and Wildlife Service regarding the Nettie-Leivasy PSD McCue Road Waterline Extension Project, dated August 6, 2019, states "Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB)." Also stated, "The Service does not anticipate that this project is likely to adversely affect the Indiana bat ...." and " 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."

Letters from WV Division of Natural Resources regarding both projects – dated November 29, 2017 and August 21, 2019 – state that "We have no known records of any RTE species or sensitive habitats within the project area." (see attached letters)

5. **Protection of Wetlands** – As stated in an email dated November 25, 2019 from Ethan Gartin with Dunn Engineers, Inc. "After reviewing the USGS National Wetlands Inventory, it does not appear that any wetlands will be impacted by this project." (see attached email)

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 November 7, 2019 states that "Based on the review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does not impact prime or other important farmland, and therefore is not subject to Farmland Protection Policy Act."

9. **Flood Plain Management** – As stated by Dunn Engineers, Inc "The proposed raw water main will be buried in a trench 5 feet deep and will be constructed of restrained joint Ductile Iron Pipe to resist damage from future logging operations and to resist flood damage. The new main will be located away from the creek banks and will be protected from flood damage." Also stated in a correspondence from Dunn Engineers, Inc. dated October 23, 2019 from Frederick Hypes is "The Nettie-Leivasy Public Service District's potable water treatment plant is located at the top of a ridge with a ground elevation of 2,746, or 550 feet above the 100-year flood elevation of Panther Creek, which is the stream nearest the plant. The top of the filter basins, into which the new filter media will be installed, is located 10 feet above the ground elevation, or 560 vertical feet above the 100-year flood elevation of Panther Creek." (See attached letter)

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved August 3, 2018).

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** – "There are no lead paint considerations for this project because it will involve only PVC and Ductile Iron Pipe installation." – Dunn Engineers, Inc.

VI. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. For this project, we will assume that there is no net change in the release of greenhouse gases due to this being a waterline extension project and a like for like replacement of the raw waterline. The proposed project to replace its existing raw water line and to extend potable water service to the end of McCue Road will not include any electrical equipment, but will consist of pipe and associated appurtenances, along with replacement filter sand.

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:

Mitigation measures have been outlined for bat habitat and air quality disturbances during the project as noted above in Section V. Additionally, 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:

There was a public meeting held on February 28, 2019. This meeting was held to discuss the project with the potential customers.

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.

OTHER

Project Sponsor: Nettie-Leivasy PSD **Phone:** 304-846-9589

Address: 125 Cedar Road Nettie, WV 26681-0000

Public Water System: Nettie-Leivasy PSD **County:** Nicholas

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	WV DEP
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act	X		X		X		Do not disturb bat habitat during construction	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	NA	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:** 11/26/19 **Telephone:** 304-356-4325

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

1716

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

December 11, 2017

Mr. Frederick L. Hypes, P.E., P.S.
Vice President of Engineering
Dunn Engineers, Inc.
400 South Ruffner Road
Charleston, West Virginia 25314

RE: Nettie-Leivasy Public Service District – Raw Waterline Replacement
Nicholas County, West Virginia
FR: 18-138-NI

Dear Mr. Hypes:

We have reviewed the above referenced project to determine potential effects to cultural resources. 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 Nettie-Leivasy Public Service District (PSD) proposes to undertake a raw waterline replacement project in the vicinity of Nettie in Nicholas County. The work will involve the installation of 8,500 linear feet of six-inch and eight-inch Ductile Iron Pipe along an existing logging road that bisects a large tract of recently harvested timber.

Architectural Resources:
As noted above, your submission indicates the PSD plans to install the waterline along an existing logging road within an area that was recently harvested for timber. We assume, therefore, that the proposed undertaking will require no further tree clearance. If this is the case, then it is our opinion the proposed undertaking will have *no effect* on historic architectural resources. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change, especially if the undertaking should require additional tree clearance beyond what has already occurred.

Archaeological Resources:
A search of our records located no previously documented archaeological resources within the proposed project area. Submitted information and aerial photographs indicate that a majority of the proposed line installation work will occur within previously disturbed areas and/or on sloped terrain. In our opinion, no archaeological historic properties will be affected by the proposed project. No further consultation is necessary with respect to archaeological resources. If, however, 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 Mitchell K. Schaefer, Structural Historian, or Carolyn M. Kender, Archaeologist, at (304) 558-0240.*

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/CMK/MKS

OTHER

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

August 23, 2019

RECEIVED
AUG 28 2019
DUNN ENGINEERS, INC

Mr. Fredrick Hypes, P.E.
Vice President of Engineering
Dunn Engineers
400 South Ruffner Road
Charleston, West Virginia 25314

RE: Nettie-Leivasy PSD McCue Road Waterline Extension
FR# 19-1349-NI

Dear Mr. Hypes:

We have reviewed the above-mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, the Nettie-Leivasy Public Service District proposes to add approximately 13,400 linear feet of 8-inch, 6-inch and 2-inch diameter water mains and 4 fire hydrants along McCue Road (WV County Route 39/16), Lonesome Pine Lane, and Foggy Brooke Road in the Canvas area of Nicholas County, West Virginia. Work will primarily be located along the shoulders of the roads listed above.

Archaeological Resources:
A search of our records located no previously recorded archaeological resources within the proposed project area. Submitted information and aerial photographs indicate that the majority of proposed ground disturbing activities will occur within previously disturbed areas and/or on sloped terrain. Therefore, it is unlikely that intact deposits will be encountered during the proposed ground disturbing activities. 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 the proposed ground disturbing activities, please cease all activity within the discovery area and contact our office immediately.

Architectural Resources:
Submitted information indicates that this project consists of buried pipelines with fire hydrants the only above ground components to the project. After review of the submitted information, it is our opinion that there are no architectural resources eligible for or included in the National Register of Historic Places that will be affected by the proposed project. No further consultation regarding architectural resources is necessary.

August 23, 2019
Mr. Frederick Hypes
FR#: 19-1349-NI
Page 2

Cemetery Resources:
Project mapping indicates that there are three unnamed and undocumented cemetery in the project's Area of Potential Effect for visual effects. The buried pipeline should avoid the cemeteries, but will present no visible component to the cemetery resource. No further consultation is necessary regarding cemetery resources; however, we ask that you contact our office if your project should change.

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

Sincerely,

Susan M. Pierce

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/EEB/CMK

OTHER

1716
environey

dep

west virginia department of environmental protection

Division of Air Quality
601 57th Street, SE
Charleston, WV 25304
Phone: 304 926 0475 FAX: 304 926 0479

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
dep.wv.gov

November 16, 2017

Frederick L. Hypes, P.E., P.S.
Vice President of Engineering
Dunn Engineers, Inc.
400 South Ruffner Road
Charleston, WV 25314

RE: Nettie-Leivasy Public Service District Water System Improvements Raw Waterline Replacement, Nicholas County, WV

Dear Mr. Hypes:

This letter responds to your correspondence of November 14, 2017, concerning the project referenced above. The West Virginia Division of Air Quality (WVDAQ) will only provide feedback on issues relating to air quality. If you determine that your project activity may have other environmental impacts, then you should consult with the appropriate environmental agency for that issue (e.g. the Division of Water and Waste Management should be consulted on potential water quality issues, for instance, if over one (1) acre will be disturbed, a construction stormwater general permit is required).

1. It is necessary to burn land clearing debris to complete the project; in which case, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6) or;

2. The project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials, and is subject to 45CSR34 (the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40CFR61, Subpart M). If such is the case, a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary's authorized representative and approval received before commencement of the activities addressed in the Notification.

3. Backup or emergency electrical generators may be subject to federal and state requirements and require an air permit in accordance with 45CSR13.

If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory air pollution problems as addressed by 45CSR4 and 45CSR17. Copies of all the WVDAQ rules cited in this letter may be reviewed on the agency's website at http://www.dep.wv.gov/daq. To review the rules, click on "Summary of Rules" after accessing the website.

You may obtain the latest published air quality data summaries and statistics for the WV Division of Air Quality's ambient air monitoring sites on our website (shown above). Simply click on the image for the Air Quality Annual Report. You may also find a document summarizing, in some detail, the attainment status of the 55 counties in West Virginia relative to National Ambient Air Quality Standards (NAAQS) on our website by clicking on the link for "Publications".

As of November 1, 2017, Nicholas County is considered an attainment area for all criteria pollutants.

If you have any questions or need further assistance or information, please contact this office at (304) 926-0475.

Sincerely Yours,

Dee Smith
Planning Section

DAS/dw

OTHER

west virginia department of environmental protection

Division of Air Quality
601 57th Street, SE
Charleston, West Virginia 25304
304 926 0475 FAX: 304 926 0479

Austin Caperton, Cabinet Secretary
dep.wv.gov

August 13, 2019

RECEIVED
AUG 15 2019
DUNN ENGINEERS, INC.

Frederick L. Hypes, PE, PS
Dunn Engineers, Inc.
400 South Ruffner Road
Charleston, WV 25314

RE: Nettie-Leivasy Public Service District, McCue Road Waterline Extension
Nicholas County

Dear Mr. Hypes:

This letter responds to your correspondence of August 6, 2019, concerning the project referenced above. The West Virginia Division of Air Quality (WVDAQ) will only provide feedback on issues relating to air quality. If you determine that your project activity may have other environmental impacts, then you should consult with the appropriate environmental agency for that issue (e.g. the Division of Water and Waste Management should be consulted on potential water quality issues, for instance, if over one (1) acre will be disturbed, a construction stormwater general permit is required).

Based upon current regulatory requirements, the project referenced above as outlined in your letter does not appear to require any pre-construction permits, authorizations, or air quality analyses by WVDAQ except to the extent any of the following apply:

1. It is necessary to burn land clearing debris to complete the project; in which case, approval by the WVDEP Secretary or his or her authorized representative is required to conduct such burning (see 45CSR6) or;

2. The project entails the renovation, remodeling, or demolition, either partially or totally, of a structure, building, or installation, irrespective of the presence or absence of asbestos-containing materials and is subject to 45CSR34 (the asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP) at 40CFR61, Subpart M). If such is the case, a formal Notification of Abatement, Demolition, or Renovation must be completed and timely filed with the WVDEP Secretary's authorized representative and approval received before commencement of the activities addressed in the Notification.

3. Backup or emergency electrical generators may be subject to federal and state requirements and require an air permit in accordance with 45CSR13.

If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory air pollution problems as addressed by 45CSR4 and 45CSR17. Copies of all the WVDAQ rules cited in this letter may be reviewed on the agency's website at http://www.dep.wv.gov/daq. To review the rules, click on "Summary of Rules" after accessing the website.

You may obtain the latest published air quality data summaries and statistics for the WV Division of Air Quality's ambient air monitoring sites on our website (shown above). Simply click on the image for the Air Quality Annual Report. You may also find a document summarizing, in some detail, the attainment status of the 55 counties in West Virginia relative to National Ambient Air Quality Standards (NAAQS) on our website by clicking on the link for "Publications".

As of August 1, 2019, Nicholas County is considered an attainment area for all criteria pollutants.

If you have any questions or need further assistance or information, please contact this office at (304) 926-0475.

Sincerely Yours,

Pam Kindrick

Pam Kindrick
Planning Section

PKK/lmc

OTHER

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

Contact Name: Frederick Hypes

Email Address or Fax Number: dunneng@aol.com

FWS File # 2018-I-0216 All future correspondence should clearly reference this file #.

Project: Nettie-Leivasy Public Service District, Nicholas County, WV

Date of Letter Request: November 14, 2017

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the ESA is required with the Fish and Wildlife Service. 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.

Definitive determinations of the presences of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia, 25701, telephone (304) 399-5710.

Amanda Selmer 12/8/2017
Reviewer's signature and date

Barbara Douglas for 12/13/2017
Field Supervisor's signature and date

United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
90 Vance Drive
Elkins, West Virginia 26241

OTHER

Contact Name: Frederick L. Hypes

Email Address or Fax Number: dunneng@aol.com

FWS File # 2019-I-1011 **All future correspondence should clearly reference this FWS File #.**

Project: Nettie-Leviasy PSD McCue Road Waterline Extension, Nicholas County

Date of Letter Request: August 6, 2019

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

Two federally listed species could occur in the project area: the endangered Indiana bat (*Myotis sodalis*) and the threatened northern long-eared bat (*Myotis septentrionalis*) (NLEB).

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 U.S. Fish and Wildlife Service (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 has reviewed the number of acres of potentially suitable foraging and roosting habitat on the West Virginia landscape available to each Indiana bat, versus the total acreage of forest. On that basis, we have determined that small projects, more than 10 miles from a known priority 1 or 2 Indiana bat hibernaculum, more than 5 miles from a known priority 3 or 4 Indiana bat hibernaculum, or more than 2.5 miles from any known maternity roost, or more than 5 miles from summer detection sites where no roosts were identified, that affect less than 17 acres of forested habitat, and will not affect any potential hibernacula, will have a very small chance of resulting in direct or indirect effects to the Indiana bat, and therefore these effects are considered discountable. **Please note that the Service may review and update this assessment at any time as new information becomes available.**

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

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 limit tree clearing to under 17 acres as a mandatory condition for any permit decision rendered for this project. All measures must be implemented as proposed. 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 assessment may be reconsidered.

If you have any questions regarding these comments, please contact the biologist listed below at (304) 636-6586 or at the letterhead address.

Date: 10/8/2019
Biologist

Barbara Douglas Acting Date: 10/9/2019
Field Supervisor

171L
NCPW Rec'd Wtr
Env Coverage

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250

Jim Justice
Governor

Stephen S. McDaniel
Director

November 29, 2017

Mr. Frederick L. Hypes
Dunn Engineers, Inc.
400 South Ruffner Road
Charleston, WV 25314

Dear Mr. Hypes:

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 Nettie-Leivasy PSD Raw Waterline Replacement project in Nicholas County, WV.

We have no known records of any RTE species or sensitive habitats within the project area. 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

enclosure

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File
ENN CORRE

RECEIVED

AUG 26 2019

DUNN ENGINEERS, INC

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 21, 2019

Mr. Frederick Hypes
Dunn Engineers, Inc.
400 South Ruffner Road
Charleston, WV 25314

Dear Mr. Hypes:

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 McCue Road Waterline Extension project for the Nettie-Leivasy PSD in Nicholas County, WV.

We have no known records of any RTE species or sensitive habitats within the project area. 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. An invoice has been forwarded to the Public Service District.

Sincerely,

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit

S:\Monthly\BSargent\Invoices\Dunn.doc

Thomas, Christopher W

From: dunneng@aol.com
Sent: Monday, November 25, 2019 11:56 AM
To: Thomas, Christopher W
Subject: Re: Nettie McCue Road and Raw Waterline Wetlands Verification

Mr. Thomas,

After reviewing the USGS National Wetlands Inventory, it does not appear that any wetlands will be impacted by this project.

Thanks,
Sue Zaroda, Adm. Asst.
for

Ethan Gartin
DUNN ENGINEERS, INC.
400 South Ruffner Road
Charleston, WV 25314
Phone (304) 342-3436
Fax (304) 342-7823

-----Original Message-----
From: Thomas, Christopher W <Christopher.W.Thomas@wv.gov>
To: Fred Hypes <dunneng@aol.com>
Sent: Mon, Nov 25, 2019 9:49 am
Subject: Nettie McCue Road and Raw Waterline Wetlands Verification

Fred,

I have been looking over the clearance letter from the Corps and I need further verification from you if this project will potentially affect wetlands?

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/
Confidentiality Notice: This message, including any attachments, is for the sole use of the individual or entity named above. The message may contain confidential health and/or legally privileged information. If you are not the above named recipient, you are hereby notified that any disclosure, copying, distribution, or action taken in reliance on the contents of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies of the original message.

BUREAU FOR PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES
West Virginia Department of Health and Human Resources

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)

November 7, 2019

Christopher Thomas, EIT
Infrastructure & Capacity Development
WV Drinking Water Treatment Revolving Fund

RE: Nicholas Co., WV - Nettie-Leivasy PSD McCue Road Extension and Raw Waterline Replacement Project

Mr. Thomas,

This is to acknowledge receipt of your request for evaluation of important farmland related to the above referenced project in Nicholas 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** impact 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

Michael Jones
Resource Soil Scientist

Attachment: NRCS-AD-1006

Cc: Andy Sentz, District Conservationist, NRCS, Summersville, 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

OTHER

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 11/4/2019		
Name of Project Nettie-Leivasy PSD	Federal Agency Involved EPA		
Proposed Land Use Waterline	County and State Nicholas, WV		
PART II *(To be completed by NRCS)*	Date Request Received By NRCS 11/5/2019	Person Completing Form: Jones, M	
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 11/7/2019	

	Alternative Site Rating			
	Site A	Site B	Site C	Site D
PART III *(To be completed by Federal Agency)*				
A. Total Acres To Be Converted Directly	0			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	1			
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)

DUNN ENGINEERS, INC.

October 23, 2019

E-MAIL ONLY

Mr. Christopher Thomas, EIT
West Virginia Department of Health & Human Resources
Bureau for Public Health
350 Capitol Street, Room 313
Charleston, WV 25301-3713

RE: Nettie-Leivasy Public Service District
Raw Waterline Repl. - McCue Rd. WL Ext.
Flood Certification

Dear Mr. Thomas:

The Nettie-Leivasy Public Service District's potable water treatment plant is located at the top of a ridge with a ground elevation of 2,746, or 550 feet above the 100-year flood elevation of Panther Creek, which is the stream nearest the plant. The top of the filter basins, into which the new filter media will be installed, is located 10 feet above the ground elevation, or 560 vertical feet above the 100-year flood elevation of Panther Creek.

Should there be any questions, please call or email us.

Sincerely,

DUNN ENGINEERS, INC.

Frederick L. Hypes, PE, PS
Vice President of Engineering

FLH:sz

400 SOUTH RUFFNER ROAD • CHARLESTON, WEST VIRGINIA 25314 • TEL (304) 342-3436 • FAX (304) 342-7823
•EMAIL: dunneng@aol.com•

\\DUNN-CAD\Secretary\1701-1717\1716\Letters\BPH - Thomas - 10-23-19.wpd

WEST VIRGINIA

Infrastructure & Jobs Development Council

OTHER

August 03, 2018

David McMillion
NETTIE LEIVASY PSD
P O Box 88
Nettie, WV 26681-0088

Re: NETTIE LEIVASY PSD
Water Line Upgrade/Replacement Project No. 2018W-1737
Preliminary Application Approved

Dear David McMillion:

The West Virginia Infrastructure and Jobs Development Council (Council) has reviewed the preliminary application for the above-referenced project (Project).

Based on the findings of the Water 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 Water 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 (Term: 30 years Rate: 1.0000%, .25% Admin Fee) - $1,275,000.00

Below is grant information for this Project:
DWTRF Prinicpal Forgiveness - $400,000.00
IJDC District 3 Grant - $500,000.00

Total project cost is $2,175,000.00. If you have any questions regarding this matter, please contact Wayne Morgan, Executive Director, at (304) 414-6501 (X106).

Sincerely,

Wayne Morgan
Executive Director

cc: Robert DeCrease, West Virginia Bureau for Public Health (BPH)
Fredrick (Fred) L. Hypes, Dunn Engineers, Inc.
Cassandra Hughart, Region 4 - Planning & Development Council
Zachary D Dobbins, Bennett & Dobbins PLLC
Samme Gee, Esq., Jackson Kelly

1009 Bullitt Street • Charleston, WV 25301-1003 • Phone (304) 414-6501 • Fax (304) 414-0866
www.wvinfrastructure.com

Environmental Justice (EJ) Impact Analysis Certification

1. Applicant's name and proposed project name or description: The Nettie-Leviasy PSD proposes to replace its existing raw waterline. The PVC portion of the main has developed numerous leaks and at times has seriously impacted the ability of the water treatment plant. Some areas of the main are located in narrow shoulders or directly beneath guardrail, making repairs dangerous and difficult. The project also includes an extension to several homes on McCue Road, Lonesome Pine Lane and Morning Glory Lane currently served by inadequate wells.
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

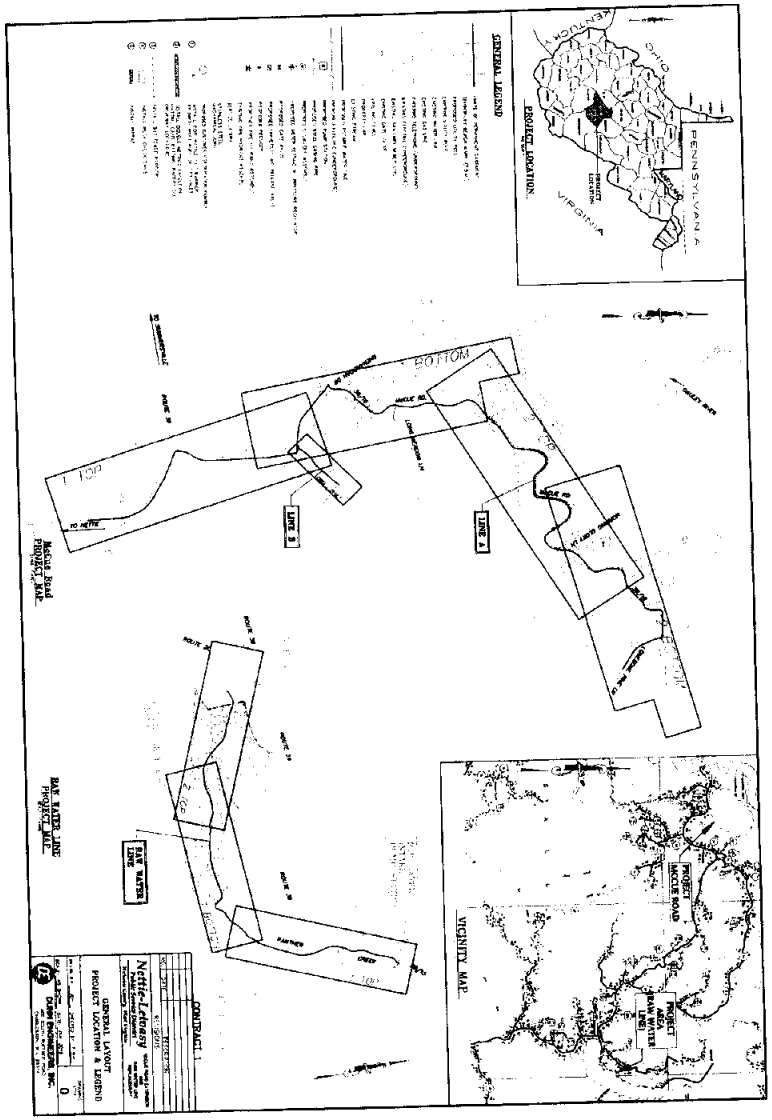
    ☑ No major EJ impact is likely to result if the proposed project is implemented.

    ☐ A major EJ impact is likely to result if the proposed project is implemented.

Cassandra Lawson, Senior Project Spec. Cassandra Lawson 10.21.19

Printed Name & Title of Certifying Official — Signature — Date

OTHER



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

FILED
2019 DEC -2 P 4:29
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

OTHER

December 2, 2019

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **November 27, 2019**.

APPLICATIONS FOR EXEMPTION RECEIVED

November 25, 2019 – Dignity Hospice of Southern West Virginia, Inc., Chapmanville, Logan County, CON File #19-2-11749-X, for the conversion of a legally unlicensed assisted living facility to a licensed assisted living facility.

November 25, 2019 – Golden Age Assisted Living, Morgantown, Monongalia County, CON File #19-6-11750-X, for the development of an assisted living facility in Morgantown.

November 27, 2019 – E.A. Hawse Health Care Center, Inc., Baker, Hardy County, CON File #19-8-11754-X, for the expansion of the Grove Street Health Center.

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