

**Department of Environmental Protection
Division of Mining and Reclamation**

*West Virginia Surface Mining Reclamation Rule
38CSR2*

The Legislative Rule-Making Review Committee moved to amend the rule on page forty-four, subdivision 3.32.b, by striking out the following words:

"For the purposes of W. Va. Code §22-3-19(a)(1)(B), an operator shall be considered in compliance with the applicable environmental performance standards referenced therein unless it has unabated cessation orders, notices of violations that are not in the process of being abated to the Secretary's satisfaction, delinquent civil penalties, or bond forfeitures."

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STATEMENT OF REASON

The rule was amended to bring it within the scope of and make it conform with its statutory authority.