

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Chapter 20, Series 7, WV/NPDES Program for Coal Mines, Preparation Plants and Refuse and Waste Therefrom.

The attached legislative rule is hereby final filed with the Secretary of State by the Director, Department of Natural Resources as authorized by SB 434, Section 64-2-20(1)(7)(b)

  
\_\_\_\_\_  
Ronald R. Potesta  
Director



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

April 23, 1986

ARCH A. MOORE, JR.  
Governor

FILED  
1986 APR 24 PM 3:21  
OFFICE OF THE SECRETARY OF STATE  
STATE OF WEST VIRGINIA

RONALD R. POTESTA  
Director

MICHAEL A. FOTOS  
Deputy Director

The Honorable Ken Hechler  
Secretary of State  
Capitol Complex, Suite 157-K  
Charleston, West Virginia 25305

Re: Final Filing of Legislatively  
Authorized Regulations  
(Chapter 20, Series 7; WV/NPDES)

Dear Mr. Hechler:

Enclosed for your filing are the Department's legislatively authorized regulations relating to the WV/NPDES program for coal mining facilities.

These regulations were authorized by the recent Legislative session in SB 434. I should point out that SB 434 contained a typographical error which may cause some confusion. Section 64-2-20(1)(7)(b) authorizes legislative rules filed in the State Register on the "ninth day of September". The month referred to is incorrect. The date we filed the approved regulations with your office was the ninth of December.


I have spoken to Rich Hartman, Director of the Administrative Law Division, who confirmed this fact as well as conducting an examination of SB 434's legislative history. Apparently the House Judiciary Committee's report had the correct date, but the legislation was incorrect.

I would suggest that the Secretary of State request the Legislature to amend the statute to correct this reference since it is a technical yet serious deficiency.

The Honorable Ken Hechler  
Page 2  
April 23, 1986

If you wish to discuss this issue, please contact me. If you have any questions concerning the filed regulations, please contact Ron Shipley, Special Assistant to the Director, Director's Office of Regulatory Affairs, 348-2761.

Sincerely,



Ronald R. Potesta  
Director

RRP/rsb

Enclosure

cc: Ron Shipley



KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

BARBARA STARCHER  
Deputy Secretary of State

RICHARD S. STEPHENSON  
Deputy Secretary of State

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Director, Administrative Law

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Director, Corporations

VIRGINIA SKEEN  
Special Assistant

(Plus all the volunteer  
help we can get)

STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

March 11, 1986

IMPORTANT NOTICE  
\*\*\*\*\*

TO: Ron Shipley  
FROM: RICH O. HARTMAN, DIRECTOR  
RE: LEGISLATIVE RULE WV/NPDES rules

THE 1986 LEGISLATURE HAS AUTHORIZED YOUR AGENCY TO FINAL FILE AND ADOPT THE ABOVE LEGISLATIVE RULE. THIS AUTHORIZATION IS IN S.B. 434 SECTION 64-2-20(1)(7)(b) PASSED ON March 8, 1986, EFFECTIVE FROM PASSAGE. YOU HAVE 60 DAYS FROM THAT DATE TO FINAL FILE THE ABOVE RULE WITH THIS OFFICE. NO RULE WILL BE ACCEPTED AFTER THAT DATE. YOU MAY ESTABLISH ANY EFFECTIVE DATE FOR YOUR RULE RANGING FROM THE SAME DATE YOU FINAL FILE TO 90 DAYS FROM THE DATE YOU FINAL FILE. REMEMBER TO RE-TYPE YOUR RULE IN ITS ENTIRETY FOLLOWING THE PROPER FORMAT. PLEASE CALL IF YOU HAVE ANY QUESTIONS.

SENATE BILL NO. 434

1 Bill 6

(By Senator R. Williams

2  
3  
4 [Introduced February 3, 1986

5 referred to the Committee on Energy, Industry and  
6 Mining; then to the Committee on the Judiciary

7  
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9  
10 A BILL to amend and reenact section twenty(one)(seven), article  
11 two, chapter sixty-four of the code of West Virginia, one  
12 thousand nine hundred thirty-one, as amended, relating to  
13 authorizing the director of the department of natural  
14 resources to promulgate legislative rules relating to  
15 WV/NPDES regulations for the coal mining point source  
16 category and related sewage facilities.

17 Be it enacted by the Legislative of West Virginia:

18 That section twenty(one)(seven), article two, chapter sixty-  
19 four of the code of West Virginia, one thousand nine hundred  
20 thirty-one, as amended, be amended and reenacted to read as  
21 follows:

22 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE  
23 LEGISLATIVE RULES.

24 §64-2-20(1)(7). Department of natural resources.

ETM/JLS

1        (a) The legislative rules filed in the state register on the  
2 twenty-sixth day of September, one thousand nine hundred eighty-  
3 four, relating to the department of natural resources (public use  
4 of state parks, forests, hunting and fishing areas) are  
5 authorized.

6        (b) The legislative rules filed in the state register on the  
7 ninth day of September, one thousand nine hundred eighty-five,  
8 relating to the department of natural resources (WV/NPDES  
9 regulations for the coal mining point source category and related  
10 sewage facilities) are authorized.

11  
12  
13        NOTE: The purpose of this bill is to authorize the director  
14 of the department of natural resources to promulgate legislative  
15 rules relating to WV/NPDES regulations for the coal mining point  
16 source category and related sewage facilities.

17  
18        Strike-throughs indicate language that would be stricken from  
19 the present law, and underscoring indicates new language that  
20 would be added.  
21

1 Bill 6

2 H. B. 1751

3 (By Delegate Casey)

4 (Introduced February 5, 1986; referred to the

5 Committee on Agriculture and Natural Resources)

6 with the direction that it later be referred to  
7 the Committee on the Judiciary

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9  
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