

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
KEN HECHLER  
**ADMINISTRATIVE LAW DIVISION**

Form #6

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**FILED**

**JUN 24 12 16 PM '93**

**OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE**

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Commerce, Labor and Environmental Resources TITLE NUMBER: 47

AMENDMENT TO AN EXISTING RULE: YES  , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 11B

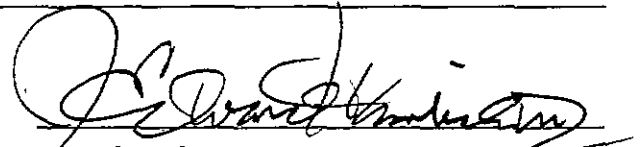
TITLE OF RULE BEING PROPOSED: Regulations Concerning Prohibitions  
When Hunting & Trapping

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 100

SECTION 64-3-8(ccc), PASSED ON May 26, 1993

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: July 1, 1993

  
J. Edward Hamrick III, Director  
Division of Natural Resources

2.60

KEN HECHLER  
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help we can get)

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May 28, 1993

Jim Ruckle  
Natural Resources  
Building 3, Room 814  
Capitol Complex  
Charleston, WV 25305

**HB 100** authorizing, **Title 47, Series 11B, Regs Concerning Prohibitions When Hunting & Trapping**, passed the Legislature on **May 26, 1993**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office. Authorization for your legislative rule is cited in **HB 100** section **64-3-8(ccc)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, PLEASE SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division

TITLE 47  
LEGISLATIVE RULES  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES  
DIVISION OF NATURAL RESOURCES

SERIES 11B  
REGULATIONS CONCERNING PROHIBITIONS WHEN HUNTING AND TRAPPING

§47-11B-1. General.

1.1. Scope and Purpose. -- These regulations establish prohibitions in the pursuit or taking of wildlife within the boundaries of this State.

1.2. Authority. -- West Virginia Code §20-1-7(30).

1.3. Filing Date. --

1.4. Effective Date. -- July 1, 1993

§47-11B-2. Definitions.

2.1. All terms have the meaning prescribed in the regulations defining the terms to be used concerning all Hunting and Trapping Regulations (47 C.S.R.11A).

§47-11B-3. Prohibitions.

3.1. Hunting is prohibited in State parks and wildlife refuges, in safety zones in State forests, and in safety zones in State Wildlife Management Areas.

3.1.1. Federal regulations prohibit hunting in Harpers Ferry National Historical Park.

3.2. Notwithstanding the provisions of W. Va. Code §20-2-5(2), woodchucks may be controlled by digging out, cutting out or smoking out on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant.

3.3. Except as provided in Subdivisions 3.3.1 and 3.3.2 of this regulation, it is illegal to use poisons, chemicals, or explosives in taking any furbearing animal, game animal, game bird, protected bird, or protected mammal.

3.3.1. Woodchucks may be controlled by such means on private land by the landowner, his or her resident children or resident parents, or a bona fide resident tenant during the period commencing each year on April 1 and ending on September 30.

3.3.2. Redwing blackbirds, grackles, pigeons, and English sparrows may be controlled by chemicals registered with the West

Virginia Department of Agriculture and the United States Environmental Protection Agency when prescribed and authorized by the director in writing. Authorized users must follow avicide label instructions and take all possible precautions in order to protect nontarget species of wildlife.

3.4. It is illegal to hunt from, or by means of, a motorized watercraft unless the motor has been completely shutoff and its progress from the motor has ceased.

3.5. It is illegal to hunt, catch, take, kill, injure, or pursue a wild animal or wild bird by means of falconry or hawking.

3.6. The use or possession of a fully automatic, rifle, shotgun, or pistol is prohibited while hunting or pursuing wildlife at any time.

3.7. It is illegal to catch, capture, take, or kill, or attempt to do so, by seine, net, bait, trap, deadfall, snare, or like device of any kind, any bear, migratory bird, protected bird, protected mammal, or wild boar.

3.7.1. No person may take, or attempt to do so, the species under Subsection 3.8 of these regulations, by the aid of baiting. The Director considers an area to be baited for ten days (10) after the removal of bait.

3.8. It is illegal for a person to have in his or her possession solid ball ammunition and lead or steel shot larger than No. 4 during the muzzleloading season, except for those persons legally hunting bear. The use of .22 caliber rimfire for small game hunting is legal during the muzzleloading season.

3.9. No person may use tree stands, except for portable tree stands, on public lands.

3.10. No person may transport wildlife or parts thereof, which were killed by another hunter unless the wildlife is accompanied by a paper or tag filled out in plain English bearing the following information from the hunter killing the wildlife:

3.10.1. The hunter's signature, address, hunting license number (if required), official game checking tag number (if required), date of kill, species, number, and/or quantity of wildlife.

3.11. It is illegal for any person to feed bears.

Title 47-11B  Adm.          Adm.	601 <del>(ccc)</del> The legislative rules filed in the state register on 602 the ninth day of September, one thousand nine hundred 603 ninety-two, modified by the division of natural resources 604 to meet the objections of the legislative rule-making 605 review committee and refiled in the state register on the 606 seventh day of December, one thousand nine hundred 607 ninety-two, relating to the division of natural resources 608 (prohibitions when hunting and trapping), are autho- 609 rized with the amendments set forth below:  610 "On page two, subsection 3.9., by striking out the 611 words 'No person may use portable tree stands on public 612 lands' and inserting in lieu thereof the words 'No person 613 may use tree stands, except for portable tree stands, on 614 public lands.'" <hr/> 615 <del>(ddd)</del> The legislative rules filed in the state register 616 on the twenty-first day of April, one thousand nine 617 hundred ninety-two, modified by the division of natural 618 resources to meet the objections of the legislative rule- 619 making review committee and refiled in the state 620 register on the sixteenth day of December, one thousand 621 nine hundred ninety-two, relating to the division of 622 natural resources (revocation of hunting and fishing 623 licenses), are authorized with the amendments set forth 624 below:  625 "On page two, subsection 4.1., by striking out the word 626 'court' and inserting in lieu thereof the word 627 'commission';  628 And,  629 "On page two, subdivision 4.1.1. by striking out the 630 word 'court' and inserting in lieu thereof the word 631 'commission'.  632 <del>(eee)</del> The legislative rules filed in the state register on 633 the ninth day of September, one thousand nine hundred 634 ninety-two, modified by the division of natural resources 635 to meet the objections of the legislative rule-making 636 review committee and refiled in the state register on the 637 seventh day of December, one thousand nine hundred 638 ninety-two, relating to the division of natural resources 639 (special bear hunting regulations), are authorized.
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SENATE BILL NO. 158

(By Senator Manchin)

[Introduced March 1, 1993; referred to the  
Committee on Natural resources; and then to the  
Committee on the Judiciary.]

8

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10 A BILL to amend and reenact section eight, article three, chapter  
11 sixty-four of the code of West Virginia, one thousand nine  
12 hundred thirty-one, as amended, relating to authorizing the  
13 division of natural resources to promulgate legislative rules  
14 relating to prohibitions when hunting and trapping.

15 Be it enacted by the Legislature of West Virginia:

16 That section eight, article three, chapter sixty-four of the  
17 code of West Virginia, one thousand nine hundred thirty-one, as  
18 amended, be amended and reenacted, to read as follows:

19 ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND  
20 ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

21 §64-3-8. Division of natural resources.

22 (a) The legislative rules filed in the state register on the  
23 eighth day of December, one thousand nine hundred eighty-three,

1 relating to the department of natural resources (surface mining),  
2 are authorized with the amendments set forth below:

3 Page 3-4, §3E.01 by adding after the word "engineer" the  
4 words "or licensed land surveyor."

5 Page 3-5, §3E.02, subsection (a), by adding after the word  
6 "mining" the words "or civil."

7 And,

8 Page 3-5, §3E.02, subsection (b), by adding after the first  
9 sentence -- "Those persons who have been approved to date need  
10 not make said demonstration."

11 (b) The legislative rules filed in the state register on the  
12 twentieth day of January, one thousand nine hundred eighty-four,  
13 relating to the department of natural resources (solid waste  
14 management), are authorized with the amendments set forth below:

15 Page 9, section 4.04, line five, add the following paragraph:

16 "Upon request of any applicant, the division shall meet with  
17 the applicant for prefiling review of the application. The  
18 division, with the cooperation of the solid waste authority,  
19 shall assist the applicant in preparing a complete and proper  
20 application which would not be rejected as incomplete."

21 On page 15, section 6.03(c)(1) in the first full sentence,  
22 after the word "cease", strike the remainder of the sentence and  
23 insert in lieu thereof the words "within fifteen (15) days of  
24 receipt of an order of suspension" and in the second sentence  
25 strike the word "recommence" and insert the words "continue

1 beyond fifteen (15) days"; (c)(2) in the first full sentence,  
2 after the word "cease" by striking out the remainder of the  
3 sentence and insert in lieu thereof the words "immediately upon  
4 receipt of an order of revocation."

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

10 (d) The legislative rules filed in the state register on the  
11 seventh day of November, one thousand nine hundred eighty-four,  
12 relating to the department of natural resources (surface mining  
13 reclamation), are authorized.

14 (e) The legislative rules filed in the state register on the  
15 seventh day of November, one thousand nine hundred eighty-four,  
16 relating to the department of natural resources (coal refuse  
17 disposal), are authorized.

18 (f) The legislative rules filed in the state register on the  
19 ninth day of November, one thousand nine hundred eighty-four,  
20 relating to the department of natural resources (transfer of the  
21 state national pollutant discharge elimination system program),  
22 are authorized with the amendment set forth below:

23 Page 10-5, by striking §10B.19 and inserting in lieu thereof  
24 a new §10B.19, to read as follows: "'Effluent limitations  
25 guidelines' means a regulation published by the Administrator



1 under Section 304(b) or Section 301(b)(1)(B) of the CWA to adopt  
2 or revise effluent limitations or levels of effluent quality  
3 attainable through the application of secondary or equivalent  
4 treatment. For the coal industry these regulations are published  
5 at 40 C.F.R. Parts 434 and 133. (See: Appendix G and H)."

6 (g) The legislative rules filed in the state register on the  
7 twenty-eighth day of August, one thousand nine hundred  
8 eighty-four, relating to the department of natural resources  
9 (small arms hunting), are authorized.

10 (h) The legislative rules filed in the state register on the  
11 sixth day of January, one thousand nine hundred eighty-four,  
12 relating to the department of natural resources (hazardous waste  
13 management), are authorized.

14 (i) The legislative rules filed in the state register on the  
15 third day of December, one thousand nine hundred eighty-four,  
16 modified by the department of natural resources to meet the  
17 objections of the legislative rule-making review committee and  
18 refiled in the state register on the thirteenth day of February,  
19 one thousand nine hundred eighty-five, relating to the department  
20 of natural resources (hazardous waste management), are  
21 authorized.

22 (j) The legislative rules filed in the state register on the  
23 tenth day of October, one thousand nine hundred eighty-five,  
24 relating to the department of natural resources (hazardous waste  
25 management: Small quantity generators and waste minimization

1 certification), are authorized with the amendment set forth  
2 below:

3       On page 1, §3.1.4b, delete the word "or" in the reference to  
4 "paragraph (g) or (j)" and insert in lieu thereof the words "and,  
5 if applicable."

6       (k) 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       (l) The legislative rules filed in the state register on the  
12 eleventh day of December, one thousand nine hundred eighty-five,  
13 modified by the department of natural resources to meet the  
14 objections of the legislative rule-making review committee and  
15 refiled in the state register on the twentieth day of February,  
16 one thousand nine hundred eighty-six, relating to the department  
17 of natural resources (hazardous waste management), are  
18 authorized.

19       (m) The legislative rules filed in the state register on the  
20 twenty-sixth day of September, one thousand nine hundred  
21 eighty-six, modified by the department of natural resources to  
22 meet the objections of the legislative rule-making review  
23 committee and refiled in the state register on the ninth day of  
24 December, one thousand nine hundred eighty-six, relating to the

1 department of natural resources (hazardous waste management  
2 regulations), are authorized.

3 (n) The legislative rules filed in the state register on the  
4 seventh day of August, one thousand nine hundred eighty-six,  
5 relating to the director of the department of natural resources  
6 (procedures for transporting and dealing in furbearing animals),  
7 are authorized.

8 (o) The legislative rules filed in the state register on the  
9 thirtieth day of December, one thousand nine hundred eighty-six,  
10 relating to the department of natural resources (WV/NPDES program  
11 for coal mines and preparation plants, and the refuse and waste  
12 therefrom), are authorized with the amendments set forth below:

13 On page four, §1.9.1.a by inserting the words "five thousand  
14 dollars or" after the words "'significant portion of income'  
15 means."

16 And,

17 On page four, §1.9.1.a by inserting the words "whichever is  
18 less," after the words "ten percent or more of gross personal  
19 income for a calendar year."

20 (p) The legislative rules filed in the state register on the  
21 fifth day of March, one thousand nine hundred eighty-six,  
22 relating to the department of natural resources (hazardous waste  
23 management), are authorized.

24 (q) The legislative rules filed in the state register on the  
25 twelfth day of August, one thousand nine hundred eighty-seven,

1 relating to the department of natural resources (WV/NPDES  
2 regulations for coal mining facilities), are authorized.

3 (r) The legislative rules filed in the state register on the  
4 tenth day of June, one thousand nine hundred eighty-seven,  
5 relating to the director of the department of natural resources  
6 (outfitters and guides), are authorized.

7 (s) The legislative rules filed in the state register on the  
8 ninth day of January, one thousand nine hundred eighty-seven,  
9 relating to the department of natural resources (hazardous waste  
10 management regulations), are authorized.

11 (t) The legislative rules filed in the state register on the  
12 fifth day of March, one thousand nine hundred eighty-seven,  
13 relating to the department of natural resources (hazardous waste  
14 management regulations, series 35), are authorized.

15 (u) The legislative rules filed in the state register on the  
16 seventh day of December, one thousand nine hundred eighty-seven,  
17 relating to the department of natural resources (hazardous waste  
18 management regulations, series 35), are authorized.

19 (v) The legislative rules filed in the state register on the  
20 sixteenth day of December, one thousand nine hundred  
21 eighty-seven, modified by the department of natural resources to  
22 meet the objections of the legislative rule-making review  
23 committee and refiled in the state register on the fourteenth day  
24 of January, one thousand nine hundred eighty-eight, relating to

1 the department of natural resources (solid waste management), are  
2 authorized.

3 (w) The legislative rules filed in the state register on the  
4 twenty-eighth day of July, one thousand nine hundred  
5 eighty-seven, modified by the director of the department of  
6 natural resources to meet the objections of the legislative  
7 rule-making review committee and refiled in the state register on  
8 the seventh day of August, one thousand nine hundred  
9 eighty-seven, relating to the director of the department of  
10 natural resources (boating regulations), are authorized with the  
11 amendment set forth below:

12 On page 16, section 6.2, line 3 by inserting following the  
13 period "This regulation does not apply to licensed outfitters  
14 and guides." These rules were proposed by the director of the  
15 department of natural resources pursuant to section seven,  
16 article one and section twenty-two, article seven, chapter twenty  
17 of this code.

18 (x) The legislative rules filed in the state register on the  
19 second day of September, one thousand nine hundred eighty-eight,  
20 modified by the department of natural resources to meet the  
21 objections of the legislative rule-making review committee and  
22 refiled in the state register on the seventeenth day of October,  
23 one thousand nine hundred eighty-eight, relating to the  
24 department of natural resources (hazardous waste management), are  
25 authorized.

1 (y) The legislative rules filed in the state register on the  
2 thirty-first day of August, one thousand nine hundred  
3 eighty-eight, relating to the director of the department of  
4 natural resources (boating), are authorized.

5 (z) The legislative rules filed in the state register on the  
6 eighth day of March, one thousand nine hundred eighty-eight,  
7 modified by the director of the department of natural resources  
8 to meet the objections of the legislative rule-making review  
9 committee and refiled in the state register on the thirtieth day  
10 of August, one thousand nine hundred eighty-eight, relating to  
11 the director of the department of natural resources (commercial  
12 sale of wildlife), are authorized.

13 (aa) The legislative rules filed in the state register on the  
14 twenty-seventh day of January, one thousand nine hundred  
15 eighty-eight, relating to the director of the department of  
16 natural resources (catching and selling bait fish), are  
17 authorized.

18 (bb) The legislative rules filed in the state register on the  
19 twenty-fifth day of March, one thousand nine hundred  
20 eighty-eight, relating to the director of the department of  
21 natural resources (West Virginia public hunting and fishing  
22 areas), are authorized with the following amendment:

23 On page three, section 3.8.4, by inserting after the word  
24 "vehicle" the following: ", all terrain vehicle (ATV)."

1 (cc) The legislative rules filed in the state register on the  
2 seventeenth day of March, one thousand nine hundred eighty-nine,  
3 modified by the division of natural resources to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the sixteenth day of January,  
6 one thousand nine hundred ninety, relating to the division of  
7 natural resources (solid waste management), are authorized with  
8 the amendments set forth below:

9 On page 13, Section 3.2.6, by deleting the current language  
10 and inserting in lieu thereof the following:

11 "3.2.6. Within two hundred (200) feet of faults that have  
12 had displacement in Holocene time (i.e., during the last eleven  
13 thousand years);"

14 On page 64, Section 3.14.25, by deleting the current language  
15 and inserting in lieu thereof the following language:

16 "3.14.25. **Environmental Compliance History.** The chief or  
17 the director may refuse to grant any permit if he has reasonable  
18 cause to believe, as indicated by documented evidence, that the  
19 applicant, or any officer, director or manager, thereof, or  
20 shareholder owning twenty percent (20%) or more of its capital  
21 stock, beneficial or otherwise, or other person conducting or  
22 managing the affairs of the applicant or of the proposed  
23 permitted premises, in whole or part, has exhibited a pattern of  
24 violation of the environmental statutes or regulations of this  
25 State, any other state, or the federal government."

1 On page 104, section 4.5.4.a, by inserting after the words  
2 "at that landfill" the following:

3 "Nothing within these regulations shall be construed to allow  
4 the installations of any liner or system on areas not lined as of  
5 November 30, 1989, that is not in conformance with section  
6 4.5.4.a.E or 4.5.4.a.G of these regulations. Landfills that do  
7 have an article 5f permit and a liner installed as of November  
8 30, 1989, may install a liner as approved by the chief."

9 And,

10 On pages 147 through 151, sections 4.11.5 and 4.11.6, by  
11 deleting the current language and inserting in lieu thereof the  
12 following:

13 "4.11.5. Corrective Action Program.

14 Whenever a statistically significant increase is found in a  
15 Phase II or Phase III monitoring parameter, or when groundwater  
16 contamination is otherwise identified by the Chief at sites  
17 without monitoring programs, which is determined by the Chief to  
18 have resulted in a significant adverse effect on an aquifer, and  
19 which is attributable to a solid waste facility, the Chief may  
20 require appropriate corrective or remedial action pursuant to W.  
21 Va. Code Chapter 20, article 5A, and Chapter 20, article 5F to  
22 abate, remediate or correct such pollution. Any such corrective  
23 or remedial action order shall take into account any applicable  
24 groundwater quality protection standards, the existing use of



1 such waters, the reasonable uses of such waters, background water  
2 quality, and the protection of human health and the environment."

3 (dd) The legislative rules filed in the state register on the  
4 seventeenth day of February, one thousand nine hundred  
5 eighty-nine, relating to the director of the department of  
6 natural resources (underground storage tanks), are authorized.

7 (ee) The legislative rules filed in the state register on the  
8 twenty-seventh day of January, one thousand nine hundred  
9 eighty-nine, relating to the director of the department of  
10 natural resources (transporting and selling wildlife pelts), are  
11 authorized.

12 (ff) The legislative rules filed in the state register on the  
13 seventeenth day of February, one thousand nine hundred  
14 eighty-nine, modified by the director of the department of  
15 natural resources to meet the objections of the legislative  
16 rule-making review committee and refiled in the state register on  
17 the ninth day of August, one thousand nine hundred eighty-nine,  
18 relating to the director of the department of natural resources  
19 (underground storage tank fee assessments), are authorized.

20 (gg) The legislative rules filed in the state register on the  
21 twenty-fourth day of April, one thousand nine hundred  
22 eighty-nine, modified by the director of the department of  
23 natural resources to meet the objections of the legislative  
24 rule-making review committee and refiled in the state register on  
25 the twenty-second day of May, one thousand nine hundred

1 eighty-nine, relating to the director of the department of  
2 natural resources (public hunting and fishing areas), are  
3 authorized.

4 (hh) The legislative rules filed in the state register on the  
5 first day of December, one thousand nine hundred eighty-nine,  
6 relating to the department of natural resources (water pollution  
7 control permit fee schedules), are authorized with the amendments  
8 set forth below:

9 On page five, section 3.3, by deleting the following:  
10 "Submitted fees are not refundable."

11 On page two, after section 2.6, by inserting the following:

12 "Customer" means any person that purchases waste disposal  
13 services from a facility permitted under article five-a, chapter  
14 twenty of the code of West Virginia, one thousand nine hundred  
15 thirty-one, as amended. For the purposes of these regulations,  
16 commercial and other non-single family dwelling customers shall  
17 be translated into customer equivalents by dividing the total  
18 daily estimated volume of waste water by three hundred and fifty  
19 gallons per day." and renumbering the remaining subsections.

20 On page nine, section 7.2, by striking out the words "seven  
21 hundred fifty dollars (\$750)." and inserting in lieu thereof the  
22 following:

23 "determined using Table D, but in no case shall be less than  
24 two hundred fifty dollars (\$250)."

25 And,

1 On page thirteen, by striking out all of Table D, Schedule of  
2 Annual Permit Fees, and inserting in lieu thereof a new Table D,  
3 designated "Schedule of Annual Permit Fees", to read as follows:

4 "TABLE D

5 SCHEDULE OF ANNUAL PERMIT FEES

6 SEWAGE FACILITIES

7	Number of Customers	Annual Permit Fee
8	less than 1000	\$ 250
9	1000 to 1499	\$ 500
10	1500 to 1999	\$ 750
11	2000 to 2499	\$ 1000
12	2500 to 2999	\$ 1250
13	3000 to 3499	\$ 1500
14	3500 to 3999	\$ 1750
15	4000 to 4499	\$ 2000
16	4500 to 4999	\$ 2250
17	greater than 5000	\$ 2500

18 INDUSTRIAL OR OTHER WASTE FACILITIES

19	Average Discharge Volume	Annual Permit Fee
20	(gallons per day)	
21	less than 1,000	\$ 50
22	1,001 to 10,000	\$ 500
23	10,001 to 50,000	\$ 1000
24	greater than 50,000	\$ 2500"

1 (ii) The legislative rules filed in the state register on the  
2 twenty-fifth day of July, one thousand nine hundred eighty-nine,  
3 modified by the director of the department of natural resources  
4 to meet the objections of the legislative rule-making review  
5 committee and refiled in the state register on the fifteenth day  
6 of September, one thousand nine hundred eighty-nine, relating to  
7 the director of the department of natural resources (revocation  
8 of hunting and fishing licenses), are authorized.

9 (jj) The legislative rules filed in the state register on the  
10 twentieth day of December, one thousand nine hundred eighty-nine,  
11 modified by the division of natural resources to meet the  
12 objections of the legislative rule-making review committee and  
13 refiled in the state register on the twenty-fourth day of  
14 January, one thousand nine hundred ninety, relating to the  
15 division of natural resources (state water pollution control  
16 revolving fund program), are authorized.

17 (kk) The legislative rules filed in the state register on the  
18 twenty-ninth day of March, one thousand nine hundred ninety,  
19 modified by the division of natural resources to meet the  
20 objections of the legislative rule-making review committee and  
21 refiled in the state register on the thirtieth day of August, one  
22 thousand nine hundred ninety, relating to the division of natural  
23 resources (assessment of civil administrative penalties), are  
24 authorized.

1 (ll) The legislative rules filed in the state register on the  
2 sixth day of August, one thousand nine hundred ninety, relating  
3 to the division of natural resources (water pollution control  
4 permit fee schedules), are authorized.

5 (mm) The legislative rules filed in the state register on the  
6 fifteenth day of June, one thousand nine hundred ninety, modified  
7 by the division of natural resources to meet the objections of  
8 the legislative rule-making review committee and refiled in the  
9 state register on the twenty-second day of August, one thousand  
10 nine hundred ninety, relating to the division of natural  
11 resources (underground storage tank insurance trust fund), are  
12 authorized with the amendment set forth below:

13 On page four, after subsection 5.1, by inserting a new  
14 subdivision 5.1.1 to read as follows:

15 "5.1.1 The fee shall be one hundred dollars per tank per  
16 year (\$100/tank/year) for a period of not less than one (1) year  
17 and not more than three (3) years. Second and third year  
18 capitalization fees may be levied if there is an inadequate  
19 surplus of funds, as determined by the Board of Risk and  
20 Insurance Management, the Division of Natural Resources and the  
21 Underground Storage Tank Advisory Committee pursuant to W. Va.  
22 Code, §20-5H-7."

23 (nn) The legislative rules filed in the state register on the  
24 thirteenth day of August, one thousand nine hundred ninety,  
25 modified by the division of natural resources to meet the

1 objections of the legislative rule-making review committee and  
2 refiled in the state register on the second day of October, one  
3 thousand nine hundred ninety, relating to the division of natural  
4 resources (underground storage tanks), are authorized with the  
5 amendment set forth below:

6 On page four, section five, subsection 5.1, after the word  
7 "requirements" by striking out the remainder of the subsection  
8 and inserting in lieu thereof, the following:

9 "of Title 47, Series 37 (Underground Storage Tank Fee  
10 Assessments); Title 47, Series 36, Section 4 (Notification  
11 Requirements); and Title 47, Series 37A, Section 5  
12 (Capitalization Fees) of the Code of State Regulations and the  
13 owner or operator presents proof of the certification to the  
14 carrier."

15 (oo) The legislative rules filed in the state register on the  
16 thirteenth day of August, one thousand nine hundred ninety,  
17 relating to the division of natural resources (dam safety), are  
18 authorized.

19 (pp) The legislative rules filed in the state register on the  
20 thirteenth day of August, one thousand nine hundred ninety,  
21 modified by the division of natural resources to meet the  
22 objections of the legislative rule-making review committee and  
23 refiled in the state register on the twenty-eighth day of  
24 November, one thousand nine hundred ninety, relating to the

1 division of natural resources (hazardous waste management), are  
2 authorized.

3 (qq) The legislative rules filed in the state register on the  
4 first day of July, one thousand nine hundred ninety-one, modified  
5 by the division of natural resources to meet the objections of  
6 the legislative rule-making review committee and refiled in the  
7 state register on the nineteenth day of September, one thousand  
8 nine hundred ninety-one, relating to the division of natural  
9 resources (special motorboating regulations), are authorized.

10 (rr) The legislative rules filed in the state register on the  
11 first day of May, one thousand nine hundred ninety-one, modified  
12 by the division of natural resources to meet the objections of  
13 the legislative rule-making review committee and refiled in the  
14 state register on the twenty-second day of July, one thousand  
15 nine hundred ninety-one, relating to the division of natural  
16 resources (special fishing regulations), are authorized with the  
17 amendment set forth below:

18 On page one, by striking out subsection 2.1 and inserting in  
19 lieu thereof, a new subsection 2.1, to read as follows:

20 "2.1 "Daylight hours" means the time period between sixty  
21 minutes before sunrise and sixty minutes after sunset."

22 (ss) The legislative rules filed in the state register on the  
23 first day of July, one thousand nine hundred ninety-one, modified  
24 by the division of natural resources to meet the objections of  
25 the legislative rule-making review committee and refiled in the

1 state register on the twenty-first day of November, one thousand  
2 nine hundred ninety-one, relating to the division of natural  
3 resources (boating regulations), are authorized.

4 (tt) The Legislature hereby authorizes and directs the  
5 division of natural resources to promulgate the legislative rule  
6 relating to water pollution control permit fee schedules, 47 CSR  
7 26, effective the twenty-second day of April, one thousand nine  
8 hundred ninety-one, with the amendment set forth below:

9 On page eight, subdivision 7.4.1, at the end of the  
10 subdivision by striking the period and adding the following:

11 " : Provided, That if the chief determines that a facility is  
12 in substantial compliance with its existing permit, the fee is  
13 one thousand two hundred fifty dollars (\$1,250.00)."

14 (uu) The legislative rules filed in the state register on the  
15 ninth day of September, one thousand nine hundred ninety-two,  
16 modified by the division of natural resources to meet the  
17 objections of the legislative rule-making review committee and  
18 refiled in the state register on the seventh day of December, one  
19 thousand nine hundred ninety-two, relating to the division of  
20 natural resources (prohibitions when hunting and trapping), are  
21 authorized.

22

23 NOTE: The purpose of this bill is to authorize the Division  
24 of Natural Resources to promulgate legislative rules relating to  
25 prohibitions when hunting and trapping.

26

27 Strike-throughs indicate language that would be stricken from  
28 the present law, and underscoring indicates new language that  
29 would be added.





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### STATE OF WEST VIRGINIA

#### SECRETARY OF STATE

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Charleston, WV 25305-0770

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Aug 9 8 54 AM '93

FILED

TO: Jim Ruckle

AGENCY: Div. of Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 26, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 11B TITLE: 47 Div. of Natural Resources

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: *James M. Ruckle*

TITLE OF PERSON SIGNING: Assistant Chief in Charge of Game Management

DATE: 8-5-93

\*\*\*\*\*

\* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.