



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
CHARLESTON 25305

FILED

1986 NOV 28 PM 3:10

STATE OF WEST VIRGINIA  
SECRETARY OF STATE

ARCH A. MOORE, JR.  
Governor

November 28, 1986

RONALD R. POTESTA  
Director


MICHAEL A. FOTOS  
Deputy Director

NOTICE OF AGENCY ADOPTION

RULE TITLE: Awarding of Matching Grants for  
Local Litter Control Programs

RULE TYPE: Procedural

The attached rule constitutes the official rule adopted by the West Virginia Department of Natural Resources on the 28th day of November 1986 and filed with the West Virginia Secretary of State.

  
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Ronald R. Potesta  
Director



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

Re: Filing of Adopted Rules (Awarding  
of Matching Grants for Local Litter  
Control Programs, Series 42A) by the  
Department of Natural Resources

Dear Mr. Hechler:

Enclosed please find for your filing a copy of adopted procedural rules of the Department of Natural Resources. Please note that these rules were originally proposed as Series 21A. Title 47, the compilation of Department regulations, has since been renumbered; Series 21A became 42A and has been so renumbered in this filing.

If you have any questions, please contact Mr. Jeffrey E. Herrold, Director's Office of Regulatory Affairs, at 348-2761.

Sincerely,

Ronald R. Potesta  
Director

RRP/jhb

Enclosures

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Awarding of Matching Grants for  
Local Litter Control Programs

Type of Rule:        Legislative        X Interpretive        X Procedural

Agency:    Department of Natural Resources

Address:    1800 Washington Street East, Charleston, West Virginia 25305

1. Effect of Proposed Rule (Estimated Total Cost)	ANNUAL			FISCAL YEAR	
	Increase \$	Decrease \$	Current \$	Next \$	Thereafter \$

Personal Services

Current Expense

Repairs and Alterations

NO CHANGE

Equipment

Other

2. Explanation of Above Estimates:

West Virginia Code §20-7-25 stipulates that half of the money collected from litter law violators be distributed as matching grants for local litter control programs. This is not appropriated state money and would have no effect on Department budgets.

3. Objectives of These Rules:

The proposed rules establish procedures for awarding matching grants for local litter control programs.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government:

None. One-half of the money collected from violators can be spent for administrative costs (non-appropriated special revenue).

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens:

Collections from litter violators are not great enough to have a material impact on local government cleanup efforts.

C. Economic Impact on Citizens/Public at Large:

None at this time. However, should income from this source dramatically increase, the control of litter could have a major positive impact on tourism.

Date: October 16, 1986



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Ronald R. Potesta  
Director

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PREAMBLE FOR PROCEDURAL RULES RELATING TO  
MATCHING GRANTS FOR LITTER CONTROL

PROGRAM: Litter Control

REGULATIONS: Awarding of Matching Grants for Local Litter Control Programs, Procedural Rules, Series 42A

AUTHORITY: West Virginia Code, Chapter 20, Article 7, Section 25(b) and Chapter 29A, Article 3

ACTION: Adopted Rules

TOPIC: The awarding of matching grants for the implementation and administration of local litter control programs.

SUMMARY: The Department is adopting rules concerning the awarding of matching grants for local litter control programs. Under Section 20-7-25(b) of the West Virginia Code, the Director must annually expend at least fifty percent of the money credited to the Litter Control Fund in the previous fiscal year by awarding matching grants to local governments for the initiation and administration of local litter control programs. Procedural rules (Series 42A) establish the procedures to be followed and forms to be used by local governments in applying for a matching grant. Interpretive rules (Series 42B) provide guidance concerning the use of grant monies.

A public hearing was held on Tuesday, November 18, 1986 in Charleston. Comments were received until the close of business on Friday, November 21, 1986. The public hearing was attended by four interested individuals, including a member of the West Virginia House of Delegates. One substantive comment was received concerning the proposed rules:

Section 2.9

Comment: One commenter asked that the definition of litter in these rules be broadened to "any man-made or man-used product which is discarded or abandoned."

Response: The definition of litter in these rules was taken verbatim from West Virginia Code §20-7-24, the West Virginia Litter Control Program. The Department neither holds the authority nor perceives a need to broaden the definition formulated by the Legislature.

The Department is today adopting these rules as they were proposed on October 16, 1986 with one change. Since the time of proposal, the compilation of Department regulations (Title 47) has been renumbered. Under the new numbering format, proposed Series 21A and 21B became Series 42A and 42B and have been so renumbered in this rule adoption.