WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #3

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

AGENCY: West Virginia Solid Waste Management Board TITLE NUMBER: 54

CITE AUTHORITY W. Va. Code § 16-26-1 et seq.

AMENDMENT TO AN EXISTING RULE: YES____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ________

TITLE OF RULE BEING AMENDED: ________

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 2

TITLE OF RULE BEING PROPOSED: Rules and Regulations Governing the Establishment of Fee Schedule and Cost Allocations Applicable to the Issuance of Bonds by the West Virginia Solid Waste Management Board

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THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Harold A Taylor

DATE: October 23, 1990

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Solid Waste Management Board

LEGISLATIVE RULE TITLE: Rules and Regulations Governing the Establishment of Fee Schedule and Cost Allocations Applicable to the Issuance of Bonds by the West Virginia Solid Waste Management Board

1. Authorizing statute(s) citation W. Va. Code § 16-26-1 et seq.

2. a. Date filed in State Register with Notice of Hearing:

   August 22, 1990

   b. What other notice, including advertising, did you give of the hearing?

   Class I legal advertisement in Charleston Gazette and Daily Mail; mailing list consisting of approximately 110 persons.

   c. Date of hearing (s): September 26, 1990

   d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

   Attached ______ No comments received X

   e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

   October 23, 1990

   f. Name and phone number of agency person to contact for additional information:

   Karen Watson 768-3933

   George Chappell 768-3933

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: ____________

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

____

d. Attach findings and determinations and reasons:

Attached ____________

TITLE 54
LEGISLATIVE RULES
WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD
SERIES 2
RULES AND REGULATIONS GOVERNING THE ESTABLISHMENT OF FEE SCHEDULE AND COST ALLOCATIONS APPLICABLE TO THE ISSUANCE OF BONDS BY THE WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD.

§ 54-2-1. General.

1.1. Scope. - These legislative rules establish fee schedules and cost allocations applicable to the issuance of bonds by the West Virginia Solid Waste Management Board.

1.2. Authority. - West Virginia Code § 16-26-1 et seq.

1.3. Filing Date. - _______, 19__

1.4. Effective Date. - ______, 19__

§ 54-1-2. Definitions.

All capitalized terms used herein shall, unless the context indicates otherwise, have the meanings ascribed to them as set forth below.

2.1. General definitions.

2.1.1. The "Act" means West Virginia Code § 16-26-1 et seq.

2.1.2. "Applicant" means a governmental agency which applies for a loan from the Board for the purpose of obtaining funds to pay the cost of the acquisition, construction and/or equipping of a solid waste disposal facility.

2.1.3. The "Board" means the West Virginia Solid Waste Management Board, established pursuant to West Virginia Code § 16-26-4, or its authorized representatives.

2.1.4. The terms "cost," "governmental agency" and "solid waste disposal facilities", as used in these rules, shall have the meanings ascribed to them in the Act.

§ 54-2-3. Fees.

The Board shall be entitled to receive Fees for originating loans to governmental agencies for the purpose of providing funds for the acquisition, construction and equipping of solid waste disposal projects as set forth below.

3.1. Origination Fee - Each governmental agency or any combination thereof obtaining a loan from the Board for the purpose of constructing, acquiring and/or equipping a solid waste disposal facility shall pay to the Board an origination fee equal to one-quarter of one percent (1/4%) of the original principal amount of the loan, such fee to be deducted from gross loan proceeds and retained by the Board at the time of closing of the loan.

3.1.1. Waiver or reduction of origination fee - The origination fee may be waived or reduced by the Board if the Board decides that the origination fee is not needed for the payment of operating expenses of the Board.

3.2. Annual Fee - Each governmental agency or combination thereof which has obtained a loan from the Board as described in Section 3.1 of these rules shall also pay to the Board an annual fee equal to one-eighth of one percent (1/8%) of the outstanding principal balance of the loan.

3.2.1. Payment of annual fee - The initial annual fee shall be payable at the time of closing of the loan and all subsequent annual fees shall be paid on the anniversary date of such loan, calculated as of the date thirty (30) days immediately preceding said anniversary date.

3.2.2. Waiver or reduction of annual fee - The annual fee may be waived or reduced by the Board if the

Board determines that the annual fee is not needed for the payment of the operating expenses of the Board.

§ 54-2-4. Allocation of costs applicable to issuance of bonds of the Board.

4.1. All costs incurred by the Board that can be directly attributed to a bond issue pending before the Board may be allocated by the Board to that bond issue and such costs so allocated shall be payable at closing by the governmental agency obtaining a loan financed from such proceeds. If more than one governmental agency obtains a loan from such proceeds, such costs shall be allocated pro-rata between or among such governmental agencies. All such costs so allocated shall be in addition to the fees established in Section 3 of this Rule.

4.2. Without limiting in any manner the costs that may be allocated pursuant to Section 4.1 of this Rule, all legal and other professional fees incurred by the Board that can be directly attributed to a bond issue may be allocated by the Board to the governmental agency obtaining loans from proceeds of that bond issue and such legal and other professional fees so allocated shall be payable at closing out of the proceeds of that bond issue. If more than one governmental agency obtains a loan from such proceeds, such fees shall be allocated pro-rata between or among such governmental agencies. All such costs so allocated shall be in addition to the fees established in Section 3 of this Rule.

§ 54-2-5 Amendment of Fee Schedule.

The Board may amend, in accordance with law, the fee schedule by the affirmative vote of four (4) board members and any such amendment shall be binding and applicable to all subsequent bond issues.

(1)

PUBLIC HEARING

September 26, 1990

The Secretary of State's Office requires attendance at the public hearing to be documented. Therefore, please register by signing below and indicate whether you wish to make a statement or submit written comments.

Name and Address	Wish to Make Statement	Written Comments
Richard Sterner EMAC 2100 Koppers Bldg Pittsburgh PA 15219		
[illegible] 432 Dorsey Ave Morgantown	~~YES~~ 1-2-3-4	
[illegible] 112 [illegible] St. Elkins, WV	~~No~~	
[illegible] [illegible] Elkins, WV	~~YES~~ No	
Brian Shurtle Rd. Co. SWA P.O. Box 68 Lanark, WV	~~?~~ No	
David Steckel 5003 [illegible] St. [illegible]ville WV	No	
Paul Mattox Woolpert Consultants 609 Va. St. E. Charleston	No	
Arden J. Curry Att.	~~?~~ No	
Alice M. Taylor	NO	
[illegible] Murray	No	
Ronnie D. Murray	No	
Scott Lanham 103 Oakwood Rd. D Charleston, WV 25314	NO	No

(2)

PUBLIC HEARING

September 26, 1990

The Secretary of State's Office requires attendance at the public hearing to be documented. Therefore, please register by signing below and indicate whether you wish to make a statement or submit written comments.

Name and Address	Wish to Make Statement	Written Comments
Martha Huffman 1136-4th	yes	later
Missy Woolverton 1324 Virginia St E, Chasn, WV		
Delmer Walley Drawer B Blacksville		later
William K Brunner	YES	LATER
LATELLE HALL, [illegible]	~~No~~ Yes	

PUBLIC HEARING

September 26, 1990

The Secretary of State's Office requires attendance at the public hearing to be documented. Therefore, please register by signing below and indicate whether you wish to make a statement or submit written comments.

Name and Address	Wish to Make Statement	Written Comments
Randie Lawson	[illegible]	
Sloan Smith		
Tim McIntyre		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
[illegible]		
[illegible] 26331		