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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Senator Joseph Minard, Cochair
Delegate Virginia Mahan, Cochair
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Joseph A. Altizer, Associate Counsel

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Brian Skinner, Associate Counsel
Felisha N. Sutherland, Administrative Assistant

December 12, 2006

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Betty Ireland, Secretary of State, State Register

TO: Richard P. Cook, Executive Director
Solid Waste Management Board
610 57th Street, SE
Charleston, WV 25304

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Performance Measures and Review Standards for Solid Waste Authorities Operation Commercial
Solid Waste Facilities, 54CSR6

The Legislative Rule-Making Review Committee Recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule:
2.
 - a. as originally filed
 - b. as modified by the agency
3. Authorize the agency to promulgate part of the Legislative rule;
a statement of reasons for such recommendation is attached.
4. Authorize the agency to promulgate the Legislative rule with
certain amendments; amendments and a statement of reasons
for such recommendation is attached.
5. Authorize the agency to promulgate the Legislative rule as
modified with certain amendments; amendments and a
statement of reasons for such recommendation is attached.
6. Recommends that the Legislature rule be withdrawn; a statement
of reasons for such recommendation is attached. X

SOLID WASTE MANAGEMENT BOARD
Performance Measures and Review Standards for Solid Waste
Authorities Operation Commercial Solid Waste Facilities
54CSR6

The Committee requested that the Board withdrawal the proposed rule based on the question of whether or not the Secretary of DEP needed to sign the form for filing. There are some inconsistencies between the statutes regarding this issue. Because the Secretary did not sign the form in this case, the Committee decided to err on the side of caution and ask the Board to withdrawal the proposed rule..