Public Notice
2018 Proposed Legislative Rules

The West Virginia Division of Air Quality has scheduled a public hearing for its 2018 proposed legislative rules on Tuesday, July 11, 2017 at the Division of Environmental Protection's Charleston headquarters, 601 57th Street S.E., Charleston, WV 25304. The public hearing will take place beginning at 6 p.m. in the Dolly Sods Conference Room. Oral and written comments will be made a part of the rulemaking record.

Copies of the rules are available from the Secretary of State's office or from the DEP at http://www.dep.wv.gov/pio/Pages/Rules.aspx. You may also obtain hard copies of the information by calling the phone number listed below. Written comments may also be submitted to the Public Information Office at the above address or e-mailed to dep.comments@wv.gov. The public comment period begins on June 9, 2017 and ends at the conclusion of the public hearing, July 11, 2017.

Division of Air Quality:
45CSR8 - Ambient Air Quality Standards
45CSR16 - Standards of Performance for New Stationary Sources
45CSR18 - Control of Air Pollution from Combustion of Solid Waste
45CSR23 - Control of Air Pollution from Municipal Solid Waste Landfills
45CSR25 - Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities
45CSR34 - Emission Standards for Hazardous Air Pollutants

Upon authorization and promulgation, rules 45CSR16, 45CSR25 and 45CSR34 will be submitted to the United States EPA (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation of 45CSR8, the DAQ will submit the rule to the EPA as a revision to the State Implementation Plan pursuant to the federal CAA. Upon authorization and promulgation of 45CSR18, the DAQ will submit the rule to the EPA as a revision to the State 111(d)/129 Plan pursuant to the federal CAA and to fulfill obligations regarding delegation of the federal New Source Performance Standards. Upon authorization and promulgation of 45CSR23, the DAQ will submit the rule to the EPA as a revision to the State 111(d) Plan pursuant to the federal CAA and to fulfill obligations regarding delegation of the federal New Source Performance Standards.

For more information on any of the DAQ rules call 304-926-0475.

(658831)

WEST VIRGINIA REGISTER

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A Weekly Publication

Administrative Law Division
Judy Cooper, Manager

Mac Warner
Secretary of State
Administrative Law Division
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e. Legislative Rule-Making Review Committee

Legislative Interims

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Office of Tax Appeal Decisions

Other Documents or Information Filed

This week's publication includes documents submitted by the following agencies:

Air Quality

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Counseling

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Dietitians

Environmental Protection – Secretary's Office

Ethics Commission

Executive Order

Grievances Report

Health Care Authority

Medicine

Mining and Reclamation

Natural Resources

Optometry

Physical Therapy

Waste Management, Div. of Water & Waste Mgmt.

CHRONOLOGICAL INDEX, VOLUME XXXIV ISSUE 23			
NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Air Quality (45-8)	Ambient Air Quality Standards Legislative	§22-5-4	Public Hearing: July 11, 2017, 6:00 pm Dept. of Environmental Protection Dolly Sod's Conference Room #1125 601 57th Street SE Charleston, WV 25304 Written Comments : July 11, 2017, 7:00 pm Dept. of Environmental Protection Public Information Office 601 57th Street SE Charleston, WV 25304
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	§22-5-4	Public Hearing: July 11, 2017, 6:00 pm Dept. of Environmental Protection Dolly Sod's Conference Room #1125 601 57th Street SE Charleston, WV 25304 Written Comments: July 11, 2017, 7:00 pm Dept. of Environmental Protection Public Information Office 601 57th Street SE Charleston, WV 25304
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	§22-5-4	Public Hearing: July 11, 2017, 6:00 pm Dept. of Environmental Protection Dolly Sod's Conference Room #1125 601 57th Street SE Charleston, WV 25304 Written Comments: July 11, 2017, 7:00 pm Dept. of Environmental Protection Public Information Office 601 57th Street SE Charleston, WV 25304

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Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	§§22-5-4 and 22-18-6	Public Hearing: July 11, 2017, 6:00 pm Dept. of Environmental Protection Dolly Sod's Conference Room #1125 601 57th Street SE Charleston, WV 25304 Written Comments: July 11, 2017, 7:00 pm Dept. of Environmental Protection Public Information Office 601 57th Street SE Charleston, WV 25304
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	§22-5-4	Public Hearing: July 11, 2017, 6:00 pm Dept. of Environmental Protection Dolly Sod's Conference Room #1125 601 57th Street SE Charleston, WV 25304 Written Comments: July 11, 2017, 7:00 pm Dept. of Environmental Protection Public Information Office 601 57th Street SE Charleston, WV 25304

RULE MONITOR

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-8)	Ambient Air Quality Standards Legislative	6/6/2017	7/11/2017						
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/6/2017	7/11/2017						
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/7/2017	7/11/2017						
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/7/2017	7/11/2017						
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	6/6/2017	7/11/2017						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/6/2017	7/11/2017						
Architects (2-1)	Registration of Architect Legislative	7/7/2016	8/8/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 10/5/2016	SB 86 HB 2235 Bundled HB 2219	5/23/2017	7/1/2017
Auditor (155-1)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/27/2016	8/26/2016		8/26/2016	Modifed w/certain amendments & Approved 9/21/2016 Filed 9/21/2016	SB 89 HB 2297 Bundled HB 2219	6/5/2017	7/1/2017
Auditor (155-8)	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body Legislative	7/26/2016	8/26/2016		8/26/2016	Modified & Approved 9/21/2016 Filed 9/21/2016	SB 90 HB 2238 Bundled HB 2219	6/5/2017	7/1/2017
Comm. & Tech. College Education (135-25)	Residency Classification for Admission and Fee Purposes Procedural	4/25/2017	5/25/2017					5/31/2017	7/1/2017
Comm. & Tech. College Education (135-35)	Correspondence, Business, Occupational and Trade Schools Legislative	12/12/2016	1/13/2017				HB 2706		
Comm. & Tech. College Education (135-52)	Annual Reauthorization of Degree-Granting Institutions Legislative	12/12/2016	1/13/2017				HB 2706		

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ADMINISTRATIVE LAW DIVISION

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LEGISLATIVE

FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY Air Quality
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 45-08
RULE NAME Ambient Air Quality Standards

CITE AUTHORITY W.Va. Code § 22-5-4

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Tuesday, July 11, 2017 6:00 PM

LOCATION OF PUBLIC HEARING
Department of Environmental Protection
Dolly Sod's Conference Room #1125
601 57th Street S.E.
Charleston, WV 25304

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, July 11, 2017 7:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Department of Environmental Protection
Public Information Office
601 57th Street, S.E.
Charleston, WV 25304

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes
Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 45-08 Rule Id: 16464 Document: 49415

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FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY Air Quality
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 45-16
RULE NAME Standards of Performance for New Stationary Sources

CITE AUTHORITY W.Va. Code §22-5-4

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Tuesday, July 11, 2017 6:00 PM

LOCATION OF PUBLIC HEARING
Department of Environmental Protection
Dolly Sod's Conference Room #1125
601 57th Street, S.E.
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Yes
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Title-Series: 45-16 Rule Id: 16471 Document: 49423

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FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE (Page 1)

AGENCY **Air Quality**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **45-18**
RULE NAME **Control of Air Pollution from Combusion of Solid Waste**

CITE AUTHORITY **W. Va. Code § 22-5-4**

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Tuesday, July 11, 2017 6:00 PM

LOCATION OF PUBLIC HEARING
Department of Environmental Protection
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601 57th Street, S.E.
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Title-Series: 45-18 Rule Id: 16466 Document: 49425

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LEGISLATIVE

FORM 1 – NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE (Page 1)

AGENCY **Air Quality**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **45-23**
RULE NAME **Control of Air Pollution from Municipal Solid Waste Landfills**

CITE AUTHORITY **W.Va. Code § 22-5-4**

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Tuesday, July 11, 2017 6:00 PM

LOCATION OF PUBLIC HEARING
Department of Environmental Protection
Dolly Sods Conference Room #1125
601 57th Street, S.E.
Charleston, WV 25304

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, July 11, 2017 7:00 PM

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Charleston, WV 25304

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Yes
Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 45-23 Rule Id: 16467 Document: 49427

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LEGISLATIVE

FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY Air Quality
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 45-25
RULE NAME Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities

CITE AUTHORITY W.Va. Code §§ 22-5-4 and 22-18-6

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Tuesday, July 11, 2017 6:00 PM

LOCATION OF PUBLIC HEARING
Department of Environmental Protection
Dolly Sods Conference Room #1125
601 57th Street, S.E.
Charleston, WV 25304

DATE WRITTEN COMMENT PERIOD ENDS
Tuesday, July 11, 2017 7:00 PM

WRITTEN COMMENTS MAY BE MAILED TO
Department of Environmental Protection
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Charleston, WV 25304

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Title-Series: 45-25 Rule Id: 16468 Document: 49419

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FORM 1 -- NOTICE OF A PUBLIC HEARING OR COMMENT PERIOD ON A PROPOSED RULE
(Page 1)

AGENCY Air Quality
RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 45-34
RULE NAME Emission Standards for Hazardous Air Pollutants

CITE AUTHORITY W.Va. Code §22-5-4

COMMENTS LIMITED TO
Oral And Written

DATE OF PUBLIC HEARING
Tuesday, July 11, 2017 6:00 PM

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Department of Environmental Protection
Dolly Sods Conference Room #1125
601 57th Street, S.E.
Charleston, WV 25304

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Public Information Office
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Charleston, WV 25304

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Kristin A Boggs -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

Title-Series: 45-34 Rule Id: 16469 Document: 49421

OTHER

Public Notice
2018 Proposed Legislative Rules

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Division of Air Quality:

45CSR8 - *Ambient Air Quality Standards*
45CSR16 - *Standards of Performance for New Stationary Sources*
45CSR18 - *Control of Air Pollution from Combustion of Solid Waste*
45CSR23 - *Control of Air Pollution from Municipal Solid Waste Landfills*
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For more information on any of the DAQ rules call 304-926-0475.

FILED
2017 JUN -5 P 1:46
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WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600

FILED
2017 JUN -5 A 11:52
OFFICE WEST VIRGINIA
SECRETARY OF STATE

June 5, 2017

LEGAL NOTICE

Sonia D. Chambers, Chair, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending **June 2, 2017**.

CERTIFICATE OF NEED APPLICATION RECEIVED

June 1, 2017 – Good Samaritan Society Barbour County, Belington, Barbour County, CON File #17-7-11104-P, for the establishment of outpatient therapy services at 216 Samaritan Circle, Belington; capital expenditure: $4,000.

APPLICATION DECLARED COMPLETE AND UNDER REVIEW

An application declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

EXPEDITED APPLICATION

May 31, 2017 - Lifetree Medical Services, LLC, Cabin Creek, Kanawha County, CON File #17-1/2/3/4/6/7/8/10-11091-P, for the development of ambulatory health care services through the provision of mid-level practitioner services at nursing homes located in the following counties: Boone, Braxton, Cabell, Clay, Fayette, Greenbrier, Hardy, Harrison, Lincoln, Marshall, McDowell, Mercer, Summers, Wayne, Webster and Wyoming; capital expenditure: $10,000.

The review cycle for the above-referenced project is as follows:

May 31, 2017 – Review cycle begins;

June 30, 2017 – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of date, time and place will be issued to affected persons;

July 5, 2017 – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority for the remainder of the review of the application;

July 31, 2017 – Decision on the project will be issued by the Authority.

west virginia department of environmental protection

SIGN-IN SHEET

Public Hearing on proposed 2018 Division of Air Quality Rules 45CSR8, 45CSR16, 45CSR18, 45CSR23, 45CSR25, and 45CSR34.

July 11, 2017, 6:00 p.m.

The Department of Environmental Protection asks for the information below so that agency staff may provide responses and information about decisions to you. The information you voluntarily provide on this sheet becomes part of the public record related to this topic and may be released if requested under the Freedom of Information Act.

Name (please print)	Address	Organization	Phone	E-mail	Comment Y/N
[illegible]		[illegible]			
[illegible]					

1 **P R O C E E D I N G S**

2 MS. JENNINGS: This public hearing will now come
3 to order on this 11th day of July, 2017 at the West
4 Virginia Department of Environmental Protection
5 Headquarters. Comments and testimony will be accepted
6 until the close of this hearing and will be made part of
7 the rulemaking record. Any question regarding revisions to
8 the rules should be included with your comments, and any
9 such question will be addressed as part of the response to
10 comments in the rulemaking record.
11 The purpose of this public hearing is to accept
12 comments on proposed revisions to rule 45CSR25 - Control of
13 Air Pollution from Hazardous Waste Treatment, Storage and
14 Disposal Facilities.
15 This rule establishes and adopts emission
16 standards for the treatment, storage and disposal of
17 hazardous waste promulgated by the EPA pursuant to the
18 Resource Conservation and Recovery Act. Promulgation of
19 this rule will enable the Department of Environmental
20 Protection to continue to be the primary enforcement
21 authority for the Hazardous Waste Management System in West
22 Virginia. Revisions to the rule include annual
23 incorporation by reference updates.

1 The floor is now open for comments.

2 There being nothing further, this public hearing

3 for proposed rule 45CSR25 is concluded.

4 (WHEREUPON, the hearing was

5 concluded at 6:23 p.m.)

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STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

I, the undersigned, Missy L. Young, a Certified Court Reporter and Notary Public within and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing, was taken to the best of my skill and ability, a true and accurate transcript of all the proceedings had in the aforementioned matter.

Given under my hand and official seal this 14th day of July, 2016.

Missy L. Young, CCR

Certified Court Reporter
Notary Public for the State of West Virginia

My commission expires April 15, 2018.

45CSR25
CONTROL OF AIR POLLUTION FROM HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

RESPONSE TO COMMENTS

On June 9, 2017, the Division of Air Quality (DAQ) commenced a public comment period for a minimum of 30 days and subsequently held a public hearing on July 11, 2017 to accept oral comments on proposed revisions to legislative rule 45CSR25. Written comments were accepted through the conclusion of the public hearing on Tuesday, July 11, 2017. No written comments were received regarding proposed revisions to rule 45CSR25, and no attendee of the public hearing provided relevant verbal comment.