



FILED
FILED
2023 NOV -6 A 11: 35
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Health, Bureau for Public Health

RULE: 64 CSR 5. Wastewater Systems and Operators

STATUTORY AUTHORITY: W. Va. Code §§ 16-1-4(a)(4) and 16-1-9a(b)(4)(B).

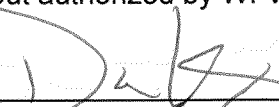
DATE FILED AS AN EMERGENCY RULE: October 26, 2023

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **Approved**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

- (1) For the immediate preservation of the public peace, health, safety and welfare;
- (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or
- (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): Per the Agency, this Rule addresses current emergency shortages in drinking water and wastewater operators in WV. Authority to change minimum education requirements is not cited in forms or rule, but authorized by W. Va. Code § 16-1-9g.



Donald Kersey, General Counsel
WV Secretary of State's Office