

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #6

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FILED

MAY 22 10 28 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: WV Division of Environmental Protection
Director's Office TITLE NUMBER: 60

AMENDMENT TO AN EXISTING RULE: YES XX, NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED: Office of Environmental Advocate

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

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2333

SECTION 22-1-3, 22-1-3a, 22-20, PASSED ON May 2, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: July 1, 1997

Wendy E. Radcliff
Wendy E. Radcliff



BUREAU OF ENVIRONMENT
10 McJunkin Road
Nitro, WV 25143-2506

CECIL H. UNDERWOOD
GOVERNOR

JOHN E. CAFFREY
COMMISSIONER

May 22, 1997

Ms. Judy Cooper
Director, Administrative Law Division
Office of the Secretary of State
Capitol Complex
Charleston, West Virginia 25305

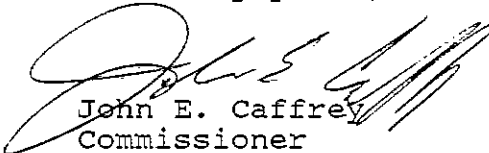
RE: 60CSR1- "Advocate Rule"

Dear Ms. Cooper:

This is to advise you that I am giving approval for final filing and adoption of the above-referenced rule with your office.

Your cooperation in this regard is very much appreciated. If you have any questions or require additional information, please feel free to contact Carrie Chambers at 759-0515.

Sincerely yours,



John E. Caffrey
Commissioner

LEM:cc

Attachment

PROMULGATION HISTORY

60CSR1 - Office of Environmental Advocate

- July 9, 1996:** Notice of Public Hearing/Comment Period Filed with Secretary of State's Office (courtesy copies given to Legislative Rule-Making Review Committee)
- August 30, 1996:** Agency-Approved Rule Filed with Secretary of State's Office and Legislative Rule-Making Review Committee
- November 26, 1996:** Notice of Agency Adoption Filed with Secretary of State's Office and Legislative Rule-Making Review Committee
- May 22, 1997:** Final Filing and Adoption of Legislative Rule with Secretary of State's Office
- July 1, 1997:** 60CSR1 Becomes Effective

FILED

MAY 22 10 28 AM '97

TITLE 60
LEGISLATIVE RULE
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF ENVIRONMENT

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
OFFICE OF ENVIRONMENTAL ADVOCATE

§60-1-1. General.

1.1. **Scope** - This legislative rule governs and controls the appointment and qualifications of the position of Environmental Advocate within the Division of Environmental Protection.

1.2. **Authority** - West Virginia Code §22-1-3, 22-1-3a, 22-20

1.3. **Filing Date** - May 22, 1997

1.4. **Effective Date** - July 1, 1997

§60-1-2 Appointment, Salary, and Qualifications.

2.1. **Appointment** - The position of Environmental Advocate will be a full-time position, will be appointed by the Director, and will serve at the will and pleasure of the Director of the Division of Environmental Protection in accordance with West Virginia Code §22-20-1.

2.2. **Salary** - The salary of the position of Environmental Advocate will be set by the Director and is subject to future adjustments at the discretion of the Director.

2.3. **Qualifications** - The Director will receive or solicit applications for the position of Environmental Advocate from persons having the following minimum qualifications:

2.3.a. A citizen and resident of the State of West Virginia.

2.3.b. A graduate from an accredited college or university with a four-year degree in a field of study directly related to the qualifications, powers, and duties of the position as set forth by the Director.

2.3.c. A minimum of two years full-time or cumulative experience in work directly related to environmental protection, or other public service work or experience which demonstrates the ability to carry out the powers and duties of the position as set

forth by the Director.

2.3.d. A working familiarity with some of the legal requirements and programmatic functions of the Division of Environmental Protection.

2.3.e. A demonstrated ability to skillfully, verbally and by writing, communicate in a public forum.

2.3.f. A demonstrated ability to use word processing software for a computer and other necessary computer skills as determined by the Director.

2.3.g. A valid West Virginia driver's license.

§60-1-3. Powers and Limitations - The Environmental Advocate will carry out the duties of the position as set forth in this rule, and as prescribed by the Director in accordance with the following:

3.1. The Environmental Advocate will be guided in all actions by the policy statement and the nine purposes set forth in West Virginia Code §22-1-1(b).

3.2. The Environmental Advocate may not in any official capacity represent any person in, or file on behalf of any person, legal or quasi-legal actions, either in support of or opposed to the Division of Environmental Protection without the expressed approval of the Director, and under supervision of the Division of Environmental Protection's General Counsel.

3.3. The Environmental Advocate may not in any official capacity organize public campaigns in support of or in opposition to official positions taken by the Division of Environmental Protection on environmental matters, and will not in any official capacity actively participate in any such organized campaign.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff
JUDY COOPER
Director, Administrative Law
PENNEY BARKER
Supervisor, Corporations
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
(Plus all the volunteer
help we can get)

FILED
JUN 25 9 28 AM '97

TO: CARRIE CHAMBERS

AGENCY: DEP DIRECTOR'S OFFICE

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: June 16, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 60 DEP DIRECTOR'S OFFICE

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Angie Smith

TITLE OF PERSON SIGNING: Secretary

DATE: 6-24-97

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.