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Nov 22 10 41 AM '96

West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room MB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vicki Douglas, Co-Chair

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Adm. Assistant

November 20, 1996

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: - Ken Hechler, Secretary of State, State Register

TO: - Ms. Wendy Radcliff
Office of Environmental Advocate
10 McJunkin Road
Nitro, WV 25143

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Office of Environmental Advocate

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

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 Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached.

X

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

The Committee recommended that the rule proposed by the Division of Environmental Protection, Office of the Environmental Advocate be withdrawn and that the Division refile the proposed rule as an interpretive rule. The Committee made the recommendation because the proposed rule does not contain any provisions which would require the proposed rule to be filed as a legislative rule. In the Committee's counsel's opinion, the proposed rule is more appropriately an interpretive rule.