



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON
25305

Gus R. Douglass
Commissioner

April 14, 1976

Honorable James R. McCartney
West Virginia Secretary of State
State Capitol Building
Charleston, West Virginia 25305

Dear Secretary McCartney:

I am enclosing two (2) copies of Administrative Regulations adopted by me pertaining to Agricultural Liming Materials. These regulations are designated Series VIA of Chapter 19-2 of the West Virginia Administrative Regulations.

I certify that the enclosed regulations are true and accurate copies of the official regulations adopted June 1, 1976.

Sincerely yours,

Gus R. Douglass
Agriculture Commissioner

D/J/h

Enclosures

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE **MAY 28 1976**

WEST VIRGINIA ADMINISTRATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE

Chapter 19-2
Series VIa
1976

Subject: West Virginia Agricultural Liming Materials Law Regulations
(Article 15A)

Section 1.00 GENERAL.

1.01 Scope. These regulations establish values for neutralizing qualities and fineness, define deficiencies and establish tolerances, set standards for neutralizing qualities and fineness and establishes methods for assessing penalties.

1.02 Authority. Chapter 19, Article 15A, code of West Virginia as enacted February 15, 1975.

1.03 Effective Date. These regulations were adopted June 1, 1976 and become effective July 1, 1976, provided, that in the case of those firms currently registered for 1976 and to allow for depletion of existing stocks these regulations shall be considered as permissive through December 31, 1976 and effective January 1, 1977.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on the second day of June, 1975.

1.05 Certification. These regulations were certified authentic by the Secretary of State by certification number 33.

Section 2.00 INDEX.

1. General
2. Index
3. Administrative
4. Penalty Values For Neutralizing Qualities and Sieve Size Guarantees

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5. Deficiencies and Tolerances
6. Minimum Calcium Carbonate Equivalentents
7. Minimum Sieve Size Standards
8. Blends
9. Supersedure

Section 3.00 ADMINISTRATIVE.

By authority vested in the Commissioner of Agriculture by Chapter 19, Article 15A, code of West Virginia, as amended and following public hearing of March 16, 1976, I, Gus R. Douglass, do hereby prescribe and adopt the following regulations relating to the distribution and sale of Agricultural Liming Materials in the State of West Virginia.

Section 4.00 PENALTIES VALUES FOR NEUTRALIZING QUALITIES AND SIEVE SIZE GUARANTEES.

4.01 The values for neutralizing qualities and sieve size guarantees of Agricultural Liming Materials shall be based on the registrants established delivery price at the quarry or if an out of state registrant , his distribution point within this State.

4.02 Penalties shall be computed by multiplying the deficiency exceeding the tolerance, by times three, times the delivery price, times the volume of the lot.

Section 5.00 DEFICIENCIES AND TOLERANCES.

5.01 For administrative purposes and to allow for possible bias in sampling and analysis an Agricultural Liming Material shall be considered as deficient and subject to penalty when:

- (a) The calcium carbonate equivalent falls more the five (5) percent below its guarantee.

- (b) The amount of material which passes through any sieve is more than five (5) percent below the percentage guarantee for that sieve size.

Section 6.00 MINIMUM CALCIUM CARBONATE EQUIVALENTS.

6.01 The minimum calcium carbonate equivalent standards shall be;
for

- (a) Burnt Lime: Not less than 140%
- (b) Hydrated Lime: Not less than 110%
- (c) Marl: Not less than 85%
- (d) Limestone: Not less than 85%
- (e) Slag: Not less than 85%
- (f) Shells: Not less than 85%

Section 7.00 MINIMUM SIEVE SIZE STANDARDS.

7.01 The minimum sieve size standards for Agricultural Liming Materials shall be; for

- (a) Pulverized Limestone
 - 1. 100% Passing a US Standard 20 Mesh Sieve
 - 2. 70% Passing a US Standard 100 Mesh Sieve
- (b) Ground Limestone
 - 1. 95% Passing a US Standard 20 Mesh Sieve
 - 2. 50% Passing a US Standard 60 Mesh Sieve
 - 3. 40% Passing a US Standard 100 Mesh Sieve
- (c) Coarse Ground Limestone or By-Product Lime
 - 1. 90% Passing a US Standard 10 Mesh Sieve
 - 2. 40% Passing a US Standard 60 Mesh Sieve

8.00 BLENDS.


8.01 Blends of Agricultural Liming Materials will be permitted,

however, percentage components of the materials used must be shown on the label in relative proximity to the guaranteed analysis.

8.02 The commissioner may accept registration of locally produced materials having soil neutralizing capability to meet special local needs. Such materials shall be labeled to show its common name, calcium and magnesium oxide or carbonate, calcium carbonate equivalent and the actual sieve size specifications as referenced in Section 7.01 (b). Such material shall also be prominently labeled, invoiced or identified as "SUB-STANDARD LIMING MATERIALS" next following the common name.

9.00 SUPERSEDURE.

9.01 The foregoing regulations supersede all previous regulations heretofore issued. The Commissioner reserves the right to rescind, suspend or amend any regulation, standard or value herein set forth.


Gus R. Douglass
Agriculture Commissioner