

**WEST VIRGINIA  
SECRETARY OF STATE**

**KEN HECHLER**

**ADMINISTRATIVE LAW DIVISION**

Form #4

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OFFICE OF THE SECRETARY OF STATE  
SECRET

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: Agriculture TITLE NUMBER: 61

CITE AUTHORITY Chapter 19-15A

AMENDMENT TO AN EXISTING RULE: YES  NO

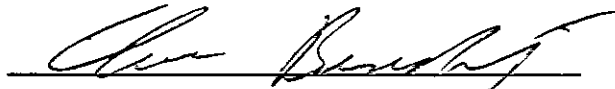
IF YES, SERIES NUMBER OF RULE BEING AMENDED: VI a

TITLE OF RULE BEING AMENDED: West Virginia Agricultural Liming  
Materials Regulations

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_  
\_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



SUMMARY OF THE MODIFICATIONS TO  
THE WEST VIRGINIA LIMING MATERIALS REGULATIONS

The modifications made in this proposed rule are as a result of review and comment by the Legislative Rule Making Committee. Due to the extensive changes in the rule the committee asked that this rule be repealed and replaced with this rule. The other changes in wording are technical modifications involving language referring to sections of these regulations or the West Virginia Code.

*rule being amended  
(currently in effect)*

WEST VIRGINIA LEGISLATIVE REGULATIONS  
STATE DEPARTMENT OF AGRICULTURE  
Chapter 19-15A  
SERIES VIa

TITLE: West Virginia Agricultural Liming Materials Law Regulations

Section 1. General

1.1 Scope - These regulations establish values for neutralizing qualities and fineness, define deficiencies and establish tolerances, set standards for neutralizing qualities and fineness and establish methods for assessing penalties. These are Legislative regulations.

1.2 Authority - Code of West Virginia, 19-15A.

1.3 Filing Date; June 2, 1975.

1.4 Effective Date; July 1, 1976.

Section 2. Index

- Section 1.
- Section 2.
- Section 3.
- Section 4.
- Section 5.
- Section 6.
- Section 7.
- Section 8.
- Section 9.

*No  
Section 2  
Index*

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nts

Section 3. Administrative

3.1 By authority vested in me 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. Penalties Values for Neutralizing Qualities and Sieve Size Guarantees

4.1 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.

4.2 Penalties shall be computed by multiplying the deficiency exceeding

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the tolerance, by times three, times the delivery price, times the volume of the lot.

#### Section 5. Deficiencies and Tolerances

5.1 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:

- 5.1.1 The calcium carbonate equivalent falls more than five (5) percent below its guarantee.
- 5.1.2 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. Minimum Calcium Carbonate Equivalents

6.1 The minimum calcium carbonate equivalent standards shall be: for

- 6.1.1 Burnt Lime: Not less than 140%
- 6.1.2 Hydrated Lime: Not less than 110%
- 6.1.3 Marl: Not less than 85%
- 6.1.4 Limestone: Not less than 85%
- 6.1.5 Slag: Not less than 85%
- 6.1.6 Shells: Not less than 85%

#### Section 7. Minimum Sieve Size Standards

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

- 7.1.1 Pulverized Limestone
  - 7.1.1.1 100% passing a US Standard 20 Mesh Sieve
  - 7.1.1.2 70% Passing a US Standard 100 Mesh Sieve
- 7.1.2 Ground Limestone
  - 7.1.2.1 90% Passing a US Standard 20 Mesh Sieve
  - 7.1.2.2 50% Passing a US Standard 50 Mesh Sieve

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SERIES VIa, Sec. 7

7.1.2.3 35% Passing a US Standard 100 Mesh Sieve

7.1.3 Coarse Ground Limestone or By-Product Lime

7.1.3.1 90% Passing a US Standard 10 Mesh Sieve

7.1.3.2 40% Passing a US Standard 50 Mesh Sieve

Section 8. Blends

8.1 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.

8.2 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 7.1.2. Such material shall also be prominently labeled, invoiced or identified as "SUB-STANDARD LIMING MATERIALS" next following the common name.

Section 9. Supersedure

9.1 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.

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Gus R. Douglass  
Agriculture Commissioner

