

TITLE 61
LEGISLATIVE RULES
DEPARTMENT OF AGRICULTURE

SERIES 6A
WEST VIRGINIA AGRICULTURAL LIMING
MATERIALS LAW REGULATIONS

§61-6A-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. -- W. Va. Code §19-15A

1.3. Filing Date. -- June 2, 1975

1.4. Effective Date. -- July 1, 1976

§61-6A-2. Administrative.

2.1. By authority vested in the Commissioner of Agriculture by article fifteen-a, chapter nineteen, 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.

§61-6A-3. Penalties values for neutralizing qualities and sieve size guarantees.

3.1. 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.

3.2. Penalties shall be computed by multiplying the deficiency exceeding the tolerance, by times three (3), times the delivery price, times the volume of the lot.

§61-6A-4. Deficiencies and tolerances.

4.1. 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:

4.1.1. The calcium carbonate equivalent falls more than five percent (5%) below its guarantee.

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

§61-6A-5. Minimum calcium carbonate equivalents.

5.1. The minimum calcium carbonate equivalent standards shall be for:

5.1.1. Burnt lime: Not less than one hundred forty percent (140%);

5.1.2. Hydrated lime: Not less than one hundred ten percent (110%);

5.1.3. Marl: Not less than eighty-five percent (85%);

5.1.4. Limestone: Not less than eighty-five percent (85%);

5.1.5. Slag; Not less than eighty-five percent (85%);

5.1.6. Shells: Not less than eighty-five percent (85%).

§61-6A-6. Minimum sieve size standards.

6.1. The minimum sieve size standards for agricultural liming materials shall be for:

6.1.1. Pulverized limestone:

6.1.1.1. One hundred percent (100%) passing a United States Standard Twenty (20) Mesh Sieve;

6.1.1.2. Seventy percent (70%) passing a United States Standard One Hundred (100) Mesh Sieve.

6.1.2. Ground limestone:

6.1.2.1. Ninety percent (90%) passing a United States Standard Twenty (20) Mesh Sieve;

6.1.2.2. Fifty percent (50%) passing a United States Standard Fifty (50) Mesh Sieve;

6.1.2.3. Thirty-five percent (35%) passing a United States Standard One Hundred (100) Mesh Sieve.

6.1.3. Coarse ground limestone or by-product lime:

6.1.3.1. Ninety percent (90%) passing a United States Standard Ten (10) Mesh Sieve;

6.1.3.2. Forty percent (40%) passing a United States Standard Fifty (50) Mesh Sieve.

§61-6A-7. Blends.

7.1. 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.

7.2. 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 6.1.2. of these rules. Such material shall also be prominently labeled, invoiced or identified as "Substandard Liming Materials" next following the common name.

§61-6A-8. Supersedure.

8.1. 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.