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Mac Warner
Secretary of State
Bldg. 1, Suite 157K
1900 Kanawha Blvd. East
Charleston, WV 25305-0770

(304) 558-6000

sos.wv.gov

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This week's publication includes documents submitted by the following agencies:

Air Quality

Coal Mine Health and Safety

Health and Human Resources

Bureau for Public Health

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Insurance Commission

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Medicine, WV Board of

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Tax

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NEW RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Coal Mine Health and Safety (36-04)	The Movement of Mining Equipment Within Coal Mines in the State of WV Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov
Coal Mine Health and Safety (36-10)	Roof Control Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov
Coal Mine Health and Safety (36-12)	Rule Governing Electrical Provisions for Underground Mining Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov
Coal Mine Health and Safety (36-13)	Regulatory Review Procedures Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov
Coal Mine Health and Safety (36-18)	The Responsibility for Care and Maintenance of Equipment Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov
Coal Mine Health and Safety (36-24)	Rules and Regulations Governing the Record Keeping of all Certified Persons Employed in all Mines Throughout the State of WV Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov

Coal Mine Health and Safety (36-27)	Rules and Regulations Governing Surface Areas on Mine Property and Limitations on Mining Adjacent to Gas Facilities Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov
Coal Mine Health and Safety (36-57)	Rules Governing Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	§§22A-6-4, 22A-6-5	Written Comments Only November 16, 2020, 5:00 pm Mallory Yates Hicks 106 Dee Drive Charleston, WV 25311 Mallory.k.yates@wv.gov

NEW EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Health (64-48, amendment)	Emergency Medical Services	§§16-1-4, 16-4C-6, 16-4C-14, 16-4C-23(b)	Approved October 1, 2020	October 5, 2020

Office of the Secretary of State
State Capitol
Charleston, West Virginia 25305

Mac Warner
Secretary of State
State of West Virginia

Telephone: (304) 558-6000
Toll Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.gov

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1.	Agency Name, (Title and Series Number)
Column	2.	Rule Title, Price and Type
Column	3.	Date Notice of Public Hearing or Comment Period Filed
Column	4.	Date of Public Hearing or Last Date Comments Will Be Received
Column	5.	Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6.	Date Agency Approved Legislative Rules Filed.
Column	7.	Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8.	Legislative Action
Column	9.	Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10.	Date Rule is Effective

- Emergency rules will not have a "Notice" date until the agency files one, but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
- If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)

CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES

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TITLE	1	ACCOUNTANCY
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TITLE	3	BARBERS AND COSMETOLOGISTS
TITLE	4	CHIROPRACTIC EXAMINERS
TITLE	5	DENTISTRY
TITLE	6	FUNERAL SERVICE EXAMINERS
TITLE	7	PROFESSIONAL ENGINEERS
TITLE	10	LICENSED PRACTICAL NURSES
TITLE	11	MEDICINE
TITLE	14	OPTOMETRY
TITLE	15	PHARMACY
TITLE	16	PHYSICAL THERAPY
TITLE	17	PSYCHOLOGISTS
TITLE	19	REGISTERED PROFESSIONAL NURSES
TITLE	20	SANITARIANS
TITLE	22	FORESTRY
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TITLE	26	VETERINARY MEDICINE
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TITLE	29	SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
TITLE	30	RESPIRATORY CARE
TITLE	31	DIETITIANS
TITLE	32	ACUPUNCTURE
TITLE	33	WASTE MANAGEMENT, DIV. OF WATER AND WASTE MGMT.
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TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
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TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-01)	Purchasing Legislative	7/7/2020	8/6/2020		8/10/2020				
Agriculture (61-01)	Animal Disease Control Legislative	7/28/2020	8/27/2020		8/27/2020				
Agriculture (61-09)	WV Seed Law Legislative	7/28/2020	8/27/2020		8/27/2020				
Agriculture (61-16)	Inspection of Meat and Poultry Legislative	7/14/2020	8/13/2020		8/17/2020				
Agriculture (61-28)	Poultry Litter and Manure Movement Into Primary Poultry Breeder Rearing Areas Legislative				Sunset Extension 7/27/2020				
Agriculture (61-39)	Seed Certification Program Legislative	7/27/2020	8/26/2020		8/26/2020				
Agriculture (61-40)	WV Exempted Dairy Farms and Milk and Milk Products Processing Rule Legislative	8/21/2020	9/20/2020		9/21/2020				
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-23)	Control of Air Pollution from Municipal Solid Waste Landfills Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-33)	Acid Rain Provisions and Permits Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/24/2020	7/28/2020		8/26/2020	Approved 9/25/2020			
Air Quality (45-44)	Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units Legislative	6/24/2020	7/28/2020		8/26/2020	Modified & Approved 9/25/2020 Filed 9/28/2020			
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/18/2020	7/20/2020		7/24/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Alcohol Beverage Control Comm. (175-10)	Distilleries, Mini-Distilleries and Micro-Distilleries Legislative	6/22/2020	7/23/2020		7/24/2020				
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	7/13/2020	8/13/2020		8/17/2020				
Coal Mine Health & Safety (36-04)	The Movement of Mining Equipment Within Coal Mines in the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-10)	Roof Control Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-12)	Electrical Provisions for Underground Mining Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-13)	Regulatory Review Procedures Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-18)	The Responsibility for Care and Maintenance of Equipment Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-24)	The Record Keeping of all Certified Persons Employed in all Mines Throughout the State of WV Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-27)	Surface Areas on Mine Property and Limitations on Mining Adjacent to Gas Facilities Legislative Exempt	10/1/2020	11/16/2020						
Coal Mine Health & Safety (36-57)	Proximity Detection Systems and Haulage Safety Generally Legislative Exempt	10/1/2020	11/16/2020						
Corrections (90-10)	Purchasing Procedure Procedural	9/1/2020	10/2/2020						
Development Office (145-07)	Neighborhood Investment Program Act Procedural	7/22/2020	8/28/2020						
Development Office (145-16)	Tourism Development Districts Legislative	7/20/2020	8/21/2020	7/1/2020 Approved 7/2/2020	8/25/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-026)	Participation in Extracurricular Activities (2436.10) Legislative Exempt	9/9/2020	10/13/2020						
Environmental Protection – Secretary's Office (60-03)	Voluntary Remediation and Redevelopment Rule Legislative	7/2/2020	8/11/2020		8/25/2020				
Financial Institutions, Div. of (106-21)	Rule Pertaining to the Fintech Regulatory Sandbox Legislative	6/26/2020	7/31/2020	6/26/2020 Approved 7/1/2020	8/13/2020				
Fire Commission (87-07)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code (Repeal) Legislative	6/22/2020	7/22/2020		8/24/2020				
Fire Marshal (103-06)	Standards for the Certification and Continuing Education of Municipal, County, and Other Public Sector Building Code Legislative	6/22/2020	7/22/2020		8/13/2020				
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	7/22/2020	8/24/2020		8/26/2020				
Funeral Service Examiners (6-02)	Crematory Requirements Legislative	7/22/2020	8/24/2020		8/24/2020				
Funeral Service Examiners (6-07)	Fee Schedule Legislative	7/21/2020	8/24/2020		8/24/2020				
Health (64-07)	Reportable Diseases, Events, and Conditions Legislative	7/2/2020	8/3/2020		8/28/2020				
Health (64-11)	Behavioral Health Centers Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Health (64-12)	Hospital Licensure Legislative	7/1/2020	7/31/2020		8/21/2020				
Health (64-13)	Nursing Home Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Health (64-23)	Radiological Health Legislative	7/6/2020	8/5/2020		8/28/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-45)	Lead Abatement Licensing Legislative	7/2/2020	8/3/2020		8/21/2020				
Health (64-48)	Emergency Medical Services	9/4/2020	10/5/2020	9/4/2020 Approved 9/30/2020 Amendment 10/1/2020 Approved 10/1/2020					
Health (64-59)	Client Rights at State-Operated Mental Health Facilities Legislative	7/1/2020	7/31/2020		8/26/2020				
Health (64-60)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	7/1/2020	7/31/2020		8/21/2020				
Health (64-114)	Public Health Standards for Businesses Remaining Open During the COVID-19 Outbreak Legislative	5/15/2020 5/18/2020	6/15/2020 6/17/2020	4/16/2020 Approved 4/16/2020 Amendment 4/21/2020 Approved 4/21/2020 Amendment 5/15/2020 Approved 5/15/2020	8/28/2020				
Health (64-115)	Diabetes Self-Management Education Legislative	7/2/2020	8/3/2020		8/26/2020				
Health and Human Resources (69-10)	WV Clearance for Access: Registry and Employment Screening Legislative	7/1/2020	7/31/2020		8/21/2020				
Health and Human Resources (69-15)	Recovery Residence Certification and Accreditation Program Legislative	5/8/2020	6/8/2020	4/29/2020 Effective 6/10/2020	7/1/2020				
Health Care Authority (65-29)	Exemption from Certificate of Need Legislative	8/24/2020	9/23/2020		9/28/2020				
Hearing Aid Dealers (8-01)	Rule Governing the WV Bd. Of Hearing Aid Dealers Legislative	7/21/2020	8/22/2020		8/28/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Higher Education Policy Comm. (133-63)	Mental Health Loan Repayment Program Legislative	6/26/2020	7/27/2020	6/26/2020 Effective 6/26/2020	7/29/2020				
Highways (157-05)	Traffic and Safety Rules Legislative	7/28/2020	8/28/2020		8/28/2020				
Human Services (78-02)	Child Placing Agencies Licensure Legislative	7/1/2020	7/31/2020		8/25/2020				
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	7/1/2020	7/31/2020		8/25/2020				
Human Services (78-27)	Procedure to Contest the Substantiation of Child Abuse or Neglect Legislative	7/1/2020	7/31/2020		8/26/2020				
Insurance Comm. (114-02A)	Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-25)	Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-40)	Credit for Reinsurance Legislative	6/18/2020	7/24/2020		7/27/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	6/18/2020	7/24/2020		7/27/2020	Approved 9/25/2020			
Insurance Comm. (114-64)	Mental Health Parity Legislative	6/22/2020	7/24/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/30/2020			

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-100)	Health Benefit Plan Network Access and Adequacy Legislative	6/22/2020	7/24/2020		8/11/2020				
Labor (42-03)	Steam Boiler Inspection Legislative	7/16/2020	8/17/2020		8/24/2020				
Landscape Architects (9-01)	Registration of Landscape Architects Legislative	7/23/2020	8/24/2020		8/27/2020				
Landscape Architects (9-04)	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative	7/23/2020	8/24/2020		8/26/2020				
Livestock Care Standards Bd. (73-01)	Livestock Care Standards Legislative	7/21/2020	8/20/2020		8/21/2020				
Lottery (179-10)	WV Lottery Interactive Wagering Rule Legislative	6/11/2020	7/11/2020	5/15/2020 Approved 5/18/2020	8/10/2020				
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	4/23/2020	5/23/2020	3/26/2020 Approved 3/26/2020	6/24/2020				
Miners' Health Safety and Training (56-08)	The Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of WV Legislative	7/14/2020	8/13/2020		8/19/2020				
Motor Vehicles (91-04)	Examination and Issuance of Driver's License Legislative	7/8/2020	8/9/2020		8/11/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Motor Vehicles (91-05)	Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges Legislative	7/15/2020	8/17/2020		8/19/2020	Approved 9/25/2020			
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative	7/1/2020	7/31/2020		8/7/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Municipal Pensions Oversight Bd. (211-02)	Exempt Purchasing Legislative	6/26/2020	7/27/2020		8/7/2020				
Natural Resources (58-36)	Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATVs and ORVs Legislative				Sunset Extension 2/26/2020	Approved 9/25/2020			
Natural Resources (58-46)	Defining the Terms Used in All Hunting and Trapping Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-50)	Deer Hunting Rule Legislative	7/29/2020	8/28/2020		8/28/2020	Modified & Approved 9/25/2020 Filed 9/29/2020			
Natural Resources (58-56)	Special Migratory Game Bird Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Natural Resources (58-58)	Special Waterfowl Hunting Legislative	7/29/2020	8/28/2020		8/28/2020	Approved 9/25/2020			
Occupational Therapy (13-09)	Telehealth Practice; Requirements; Definitions Legislative	6/15/2020	8/1/2020		8/10/2020				
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	7/28/2020	8/28/2020	7/28/2020 Effective 9/8/2020	8/28/2020				
Osteopathic Medicine (24-09)	Emergency Temporary Permits to Practice During States of Emergency or State of Preparedness Legislative	4/15/2020	5/15/2020	3/26/2020 Approved 3/26/2020	6/22/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	4/30/2020	5/31/2020	4/30/2020 Approved 4/30/2020 Amendment 8/26/2020 ERD by 10/7/2020	6/5/2020				
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	4/30/2020	5/31/2020	4/1/2020 Approved 4/1/2020	6/5/2020				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-02)	Uniform Controlled Substances Act Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-03)	Continuing Education for Licensure of Pharmacists Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-05)	Licensure of Wholesale Drug Distributors, Third Party Logistics Providers, and Manufacturers Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	7/22/2020	8/21/2020		8/26/2020				
Pharmacy (15-12)	Immunizations Administered by Pharmacist and Pharmacy Interns Legislative	5/1/2020 7/22/2020	6/2/2020 8/21/2020	4/20/2020 Approved 4/20/2020	6/5/2020 9/4/2020				
Physical Therapy (16-01)	Fees for Physical Therapist and Physical Therapist Assitants Legislative	9/17/2020	10/19/2020						
Physical Therapy (16-04)	Fees for Physical Therapist and Physical Therapist Assistant Legislative	7/28/2020	8/27/2020		8/28/2020				
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	9/17/2020	10/19/2020						
Physical Therapy (16-06)	Fees for Athletic Trainers Legislative	7/29/2020	8/28/2020		8/28/2020				
Professional Surveyors (23-01)	Examination and Licensing of Professional Surveyors in WV Legislative	7/13/2020	8/14/2020		8/24/2020				
Protective Services (99-06)	Purchasing Policy Procedural	9/2/2020	10/2/2020						
Public Service Commission (150-02)	Rules for the Construction and Filing of Tariffs Legislative Exempt	8/4/2020	10/5/2020						
Public Service Commission (150-09)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers Legislative Exempt	8/4/2020	10/5/2020						
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/18/2020	7/20/2020		8/21/2020				

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-02)	Greyhound Racing Legislative	6/18/2020	7/20/2020		8/17/2020				
Racing Commission (178-10)	Advance Deposit Account Wagering (ADW) Legislative	7/1/2020	7/31/2020	7/1/2020 Approved 7/1/2020	8/17/2020				
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/21/2020	8/20/2020		8/24/2020				
Rehabilitation Services (198-01)	Ron Yost Personal Assistance Services Act Bd. Legislative	7/24/2020	8/26/2020		8/26/2020				
Respiratory Care (30-01)	Criteria for Licensure Legislative	7/20/2020	8/21/2020		8/26/2020				
Risk and Insurance Management (115-01)	Mine Subsidence Insurance Legislative	7/9/2020	8/8/2020		8/18/2020				
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	7/9/2020	8/8/2020		8/18/2020				
Risk and Insurance Management (115-05)	Procedure for Providing Written Notification of Claims of Potential Liability to the State or Its Employees (Repeal) Legislative	7/9/2020	8/8/2020		8/18/2020				
School Building Authority of WV (164-01)	Policy and Procedures Handbook of the School Building Authority of West Virginia Procedural	8/3/2020	9/3/2020					9/16/2020	10/16/2020
Secretary of State (153-10)	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative	4/24/2020	5/29/2020	3/25/2020 Amendment 4/24/2020 Amendment 4/27/2020 Effective 6/8/2020	6/23/2020				
Secretary of State (153-45)	Guidelines and Standards for Electronic Notarization Legislative	4/30/2020	6/1/2020	3/27/2020 Amendment 3/31/2020 Approved 4/1/2020	6/25/2020				
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Senior Services (76-06)	Shared Table Initiative for Senior Citizens Legislative	7/24/2020	8/24/2020		8/25/2020				
State Emergency Response Comm. (55-01)	Emergency Planning and Community Right to Know Legislative	7/13/2020	8/12/2020		8/28/2020				
State Emergency Response Comm. (55-02)	Emergency Planning Grant Program Legislative	7/13/2020	8/12/2020		8/28/2020				
State Police (81-18)	WV State Police Purchasing Rule Procedural	8/31/2020	9/30/2020						
Tax (110-01J)	Valuation of Producing and Reserve Oil and Natural Gas Property for Ad Valorem Property Tax Purposes Legislative	8/21/2020	9/21/2020						
Tax (110-13FF)	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/22/2020	7/22/2020		8/17/2020	Modified & Approved 9/25/2020			
Tax (110-13GG)	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020				
Tax (110-13II)	High-Wage Growth Business Tax Credit Legislative	6/22/2020	7/22/2020		7/29/2020	Modified & Approved 9/25/2020			
Tourism (144-03)	Purchasing Procedures Procedural	8/31/2020	9/30/2020						
Treasurer (112-17)	Exempt Purchasing Procedural	8/31/2020	9/30/2020						
Waste Mgmt., Div. of Water & Waste Mgmt. (33-20)	Hazardous Waste Management System Legislative	7/8/2020	8/11/2020		8/25/2020	Approved 9/25/2020			
Water Resources Division of Water and Waste Management (47-02)	Requirements Governing Water Quality Standards Legislative	3/31/2020	5/19/2020		8/17/2020				
Water Resources Division of Water and Waste Management (47-02B)	Assessment Methodology for the Biological Component of the Narrative Criteria in Wadeable Streams Procedural	2/7/2020 3/20/2020	3/26/2020 4/20/2020						

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/28/2020 10:49:48 AM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Air Quality

RULE TYPE: Legislative TITLE-SERIES: 45-44

RULE NAME: CONTROL OF GREENHOUSE GAS EMISSIONS FROM EXISTING COAL-FIRED ELECTRIC UTILITY GENERATING UNITS

CITE AUTHORITY: W. Va. Code §§ 22-5-4 and 22-5-20.

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Jason E Wandling -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:14:30 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-04

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: The Movement of Mining Equipment Within Coal Mines in the State of West Virginia

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:18:14 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-10

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Roof Control

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:22:16 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-12

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Rule Governing Electrical Provisions for Underground Mining

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:24:32 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-13

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Regulatory Review Procedures

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:26:25 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-18

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: The Responsibility for Care and Maintenance of Equipment

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:29:06 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-24

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Rules and Regulations Governing the Record Keeping of all Certified Persons Employed in all Mines Throughout the State of West Virginia

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:31:43 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety

TITLE-SERIES: 36-27

RULE TYPE: Legislative Exempt

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Rules and Regulations Governing Surface Areas on Mine Property and Limitations on Mining Adjacent to Gas Facilities

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 11:33:51 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Coal Mine Health And Safety TITLE-SERIES: 36-57

RULE TYPE: Legislative Exempt Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: Rules Governing Proximity Detection Systems and Haulage Safety Generally

CITE STATUTORY AUTHORITY: W. Va. Code §§22A-6-4 and 22A-6-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 11/16/2020 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Mallory Yates Hicks

ADDRESS: 106 Dee Drive

Charleston, WV 25311

EMAIL: mallory.k.yates@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: No

(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

FILED

2020 OCT -1 P 12: 00

OFFICE WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: October 1, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch, Cabinet Secretary
Department of Health and Human Resources

RE: **Emergency Medical Services - W. Va. C.S.R. § 64-48**

The Bureau for Public Health of the Department of Health and Human Resources requests that W. Va. C.S.R. §64-48 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §64-48 establishes and sets forth the requirements for providing emergency medical services to West Virginia residents. Unless suspended, strict compliance with the following provisions will hinder and delay necessary action in coping with the emergency declared by the Governor:

§64-48-4.5.9. Fire Department Rapid Response. -- This applies only to fire departments certified by the West Virginia State Fire Commission.

4.5.9.a. A fire department rapid response service that charges a fee for its medical services or transports patients is subject to all licensure requirements and applicable standards of this rule, including the payment of fees.

4.5.9.b. A fire department rapid response service that does not charge a fee for its medical services or transport of patients shall obtain one of the following:

4.5.9.b.1. A license subject to all requirements and applicable standards of this rule, including full inspection and payment of fees; or

4.5.9.b.2. A license subject to requirements and applicable standards of this rule as outlined in subsection 4.9. of this rule.

The Bureau for Public Health further requests that the rule be suspended as described above until such time as the State of Emergency is lifted.

One Davis Square, Suite 100, East • Charleston, West Virginia 25301 • 304 558-0684 • 304-558-1130 (fax) • dhhr.wv.gov

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/28/2020 4:13:58 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

AGENCY: Health Care Authority TITLE-SERIES: 65-29

RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No

RULE NAME: 65-29 Exemption from Certificate of Need

PRIMARY CONTACT

NAME: April L Robertson

ADDRESS: One Davis Square
Suite 100 East
Charleston, WV 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

CITE STATUTORY AUTHORITY: 16-2D-4(a)(2), 16-2D-11 and 16-29B-8(a)(1)

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Amendments are necessary due to the passage of HB 4108 which eliminated the application fee.

IS THIS FILING SOLELY FOR THE SUNSET PROVISION REQUIREMENTS IN W. VA. CODE §29A-3-19(e)? No

IF YES, DO YOU CERTIFY THAT THE ONLY CHANGES TO THE RULE ARE THE FILING DATE, EFFECTIVE DATE AND AN EXTENSION OF THE SUNSET DATE? No

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 8/24/2020

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 9/23/2020

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
9/30/2020 1:58:21 PM

Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-02A

RULE NAME: FINGERPRINTING REQUIREMENTS FOR APPLICANTS FOR INSURANCE PRODUCER LICENSE AND INSURANCE ADJUSTER LICENSE

CITE AUTHORITY: W.Va. Code §§33-2-10, and 33-12-37 and 33-12B-6.

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Allen R Prunty -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/30/2020 2:04:57 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-25

RULE NAME: INSURANCE ADJUSTERS

CITE AUTHORITY: W.Va. Code §§33-12B-12 and 33-2-10.

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Allen R Prunty -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/30/2020 2:07:45 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-40

RULE NAME: CREDIT FOR REINSURANCE

CITE AUTHORITY: W. Va. Code §§33-2-10 and 33-4-15a(e)

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Allen R Prunty -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/30/2020 2:11:19 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Insurance Commission

RULE TYPE: Legislative TITLE-SERIES: 114-64

RULE NAME: MENTAL HEALTH PARITY

CITE AUTHORITY: W. Va. Code §§33-2-10, 33-15-4u, 33-16-3ff, 33-24-7u, 33-25-8r, and 33-25A-8u

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Allen R Prunty -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/29/2020 3:37:14 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Motor Vehicles

RULE TYPE: Legislative TITLE-SERIES: 91-04

RULE NAME: EXAMINATION AND ISSUANCE OF DRIVERS LICENSE

CITE AUTHORITY: EXAMINATION AND ISSUANCE OF DRIVERS LICENSE

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ronald David Johnson Jr Mba -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/29/2020 3:39:13 PM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Motor Vehicles

RULE TYPE: Legislative TITLE-SERIES: 91-13

RULE NAME: COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE

CITE AUTHORITY: W. Va. Code §§17A-2-9 and 17D-2A-8

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ronald David Johnson Jr Mba -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
9/29/2020 10:47:34 AM
Office of West Virginia
Secretary Of State

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Natural Resources

RULE TYPE: Legislative TITLE-SERIES: 58-50

RULE NAME: Deer Hunting Rule

CITE AUTHORITY: §20-1-1(31)

The above proposed Legislative rules, 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.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Wesley H White -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

FILED

2020 SEP 30 P 4: 24

OFFICE WEST VIRGINIA SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Health and Human Resources, Bureau for Public Health

RULE: 64 CSR 48. Emergency Medical Services

STATUTORY AUTHORITY: W. Va. Code §§ 16-1-4; 16-4C-6, 14, 23; 29A-3-15.

DATE FILED AS AN EMERGENCY RULE: September 4, 2020.

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **Approved**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

_X_ (1) For the immediate preservation of the public peace, health, safety and welfare;

____ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

_X_ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): See attached memorandum.

Donald Kersey, General Counsel
WV Secretary of State's Office

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
10/1/2020 12:18:32 PM
Office of West Virginia Secretary Of State

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: Health TITLE-SERIES: 64-48

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Emergency Medical Services

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

16-1-4, 16-4C-6, 16-4C-14 and 16-4C-23(b).

IF THE EMERGENCY RULE WAS PROMULGATED TO COMPLY WITH A TIME LIMIT ESTABLISHED BY CODE OR FEDERAL STATUTE OR REGULATION, CITE THE CODE PROVISION, FEDERAL STATUTE OR REGULATION AND TIME LIMIT ESTABLISHED THEREIN:

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 09/04/2020

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

PRIMARY CONTACT:

NAME: April L Robertson
ADDRESS: One Davis Square Suite 100 E
Charleston, WV 25301
EMAIL: april.l.robertson@wv.gov
PHONE NUMBER: 304-558-9149

FILED

2020 OCT -1 P 12:46

OFFICE WEST VIRGINIA
SECRETARY OF STATE

EMERGENCY

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Department of Health and Human Resources, Bureau for Public Health

RULE: 64 CSR 48. Emergency Medical Services

STATUTORY AUTHORITY: W. Va. Code § 16-1-4, 16-4C-6, 14, and 23(b)

DATE FILED AS AN EMERGENCY RULE: October 1, 2020.

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is **Approved**.

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

__X__ (1) For the immediate preservation of the public peace, health, safety and welfare;

____ (2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

____ (3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): This emergency rule amendment decision is made only in regards to the amendments made at CSR § 64-48-4.5.9.c and d. Previous amendments to CSR § 64-48-6.2.15 were approved on September 30, 2020.

Donald Kersey, General Counsel
WV Secretary of State's Office

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

James Fuerhoff, Director

FILED
2020 SEP 25 P 12: 38
LRMRC
OFFICE WEST VIRGINIA
SECRETARY OF STATE

September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Ambient Air Quality Standards, 45-08

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 ___X___
   - (B) as modified by the agency _____
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5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

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To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Standards of Performance for New Stationary Sources, 45-16

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

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To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Air Pollution from Combustion of Solid Waste, 45-18

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 — X
   - (B) as modified by the agency — ____
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To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Air Pollution from Municipal Solid Waste Landfills, 45-23

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 — X
   - (B) as modified by the agency — ____
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To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Acid Rain Provisions and Permits, 45-33

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

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To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Emission Standards for Hazardous Air Pollutants, 45-34

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

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To: Mac Warner, Secretary of State, State Register

To: Laura Jennings laura.m.jennings@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

From: Legislative Rule-Making Review Committee

Proposed Rule: Control of Greenhouse Gas Emissions from Existing Coal-Fired Electric Utility Generating Units, 45-44

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 X
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September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Victor Mullins victor.a.mullins@wv.gov
Insurance Commission
900 Pennsylvania Avenue
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Fingerprinting Requirements for Applicants for Insurance Producer and Insurance Adjuster License, 114-02A

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 ____
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Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Victor Mullins victor.a.mullins@wv.gov
Insurance Commission
900 Pennsylvania Avenue
Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Insurance Adjusters, 114-25

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 X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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To: Mac Warner, Secretary of State, State Register
To: Victor Mullins victor.a.mullins@wv.gov
Insurance Commission
900 Pennsylvania Avenue
Charleston, WV 25303
From: Legislative Rule-Making Review Committee

Proposed Rule: Credit for Reinsurance, 114-40

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 ____
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To: Mac Warner, Secretary of State, State Register

To: Victor Mullins victor.a.mullins@wv.gov
Insurance Commission
900 Pennsylvania Avenue
Charleston, WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters, 114-42

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: X
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To: Mac Warner, Secretary of State, State Register

To: Victor Mullins victor.a.mullins@wv.gov
Insurance Commission
900 Pennsylvania Avenue
Charleston WV 25302

From: Legislative Rule-Making Review Committee

Proposed Rule: Mental Health Parity, 114-64

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: ____
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To: Mac Warner, Secretary of State, State Register

To: Adam Holley adam.holley@wv.gov
DMV
5707 MacCorkle Avenue SE
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Examination and Issuance of Driver's License, 91-04

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 ____
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To: Mac Warner, Secretary of State, State Register

To: Adam Holley adam.holley@wv.gov
DMV
5707 MacCorkle Avenue SE
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Denial, Suspension, Revocation, Disqualification, Restriction, Non-Renewal, Cancellation, Administrative Appeals and Reinstatement of Driving Privileges, 91-05

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

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To: Mac Warner, Secretary of State, State Register

To: Adam Holley adam.holley@wv.gov
DMV
5707 MacCorkle Avenue SE
Charleston, WV 25317

From: Legislative Rule-Making Review Committee

Proposed Rule: Compulsory Motor Vehicle Liability Insurance, 91-13

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

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To: Mac Warner, Secretary of State, State Register

To: Wendy Greene wendy.l.greene@wv.gov
DNR
324 4th Avenue, Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Cabwaylingo State Forest Trail System Two Year Pilot Project Permitting ATV's and ORV's, 58-36

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

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To: Mac Warner, Secretary of State, State Register

To: Wendy Greene wendy.l.greene@wv.gov
DNR
324 4th Avenue, Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Defining the Terms Used in All Hunting and Trapping, 58-46

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

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To: Wendy Greene wendy.l.greene@wv.gov
DNR
324 4th Avenue, Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Deer Hunting Rule, 58-50

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

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Delegate Geoff Foster, Co-Chair

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2020 SEP 25 P 12: 39
OFFICE WEST VIRGINIA
SECRETARY OF STATE

September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene wendy.l.greene@wv.gov
DNR
324 4th Avenue, Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Special Migratory Game Bird Hunting, 58-56

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 ___X___
   - (B) as modified by the agency _____
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Recommends that the Legislative rule be withdrawn; a statement of reasons for the recommendation is attached. _____
5. Recommends that the Legislative rule be rejected; a statement of reasons for the recommendation is attached. _____

Building 1, Room MB-49 1900 Kanawha Boulevard, East Charleston, WV 25305
Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

FILED
2020 SEP 25 P 12: 39
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September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Wendy Greene wendy.l.greene@wv.gov
DNR
324 4th Avenue, Room 343
South Charleston, WV 25303

From: Legislative Rule-Making Review Committee

Proposed Rule: Special Waterhowl Hunting, 58-58

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 ___X___
   - (B) as modified by the agency _____
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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

FILED
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2020 SEP 25 P 12:40
OFFICE WEST VIRGINIA
SECRETARY OF STATE

September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Morton taxlegal@wv.gov
Tax
1900 Kanawha Boulevard East, Building 1, W-300
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: Tax Credit for Providing Vehicles to Low-Income Workers, 110-13FF

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 X
2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ____
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WEST VIRGINIA LEGISLATURE
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SECRETARY OF STATE

September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Mark Morton taxlegal@wv.gov
Tax
1900 Kanawha Boulevard East, Building 1, W-300
Charleston, WV 25305

From: Legislative Rule-Making Review Committee

Proposed Rule: High-Wage Growth Business Tax Credit, 110-13II

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 X
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WEST VIRGINIA LEGISLATURE

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LRMRC

Legislative Rule-Making Review Committee

2020 SEP 25 P 12:38

James Fuerhoff, Director

OFFICE WEST VIRGINIA SECRETARY OF STATE

Senator Dave Sypolt, Co-Chair
Delegate Geoff Foster, Co-Chair

September 25, 2020

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

To: Mac Warner, Secretary of State, State Register

To: Joseph Sizemore joe.m.sizemore@wv.gov
DEP
601 57th Street SE
Charleston, WV 25304

Waste Mgmt., Div. of Water & Waste Mgmt.

From: Legislative Rule-Making Review Committee

Proposed Rule: Hazardous Waste Management System, 33-20

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 ___X___

   (B) as modified by the agency _____

2. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____

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Phone: (304) 347-4840 Fax: (304) 347-4901 email: james.fuerhoff@wvlegislature.gov

Orders Report

Docket Number	Agency	Respondent	Date Rendered
19-FP-CC-02060	**Insurance Commission**	West Virginia Mutual Insurance Company	9/28/2020
20-MCSI-01002	**Insurance Commission**	Cracker Barrel Old Country Store, Inc.	9/29/2020
20-MCSI-02005	**Insurance Commission**	Residence Inn by Marriott, LLC	9/29/2020
08-FY-2020	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Deah Allen	9/23/2020
09-FY-2020	**Medical Imaging And Radiation Therapy Technology Board Of Examiners**	Rebecca Perry	9/23/2020
19-174-W	**Medicine, West Virginia Board Of**	Zouhair Mohamad Wadih Kabbara, MD	9/16/2020
16-48-W, 16-54-W, 18-181-W	**Medicine, West Virginia Board Of**	Steven Robert Matulis, MD	9/16/2020

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 72-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Orders 4-20, 7-20, 10-20, 11-20, 12-20, 17-20, 23-20, 26-20, 31-20, 46-20, 54-20, 57-20, 59-20, 63-20, 66-20, 67-20, and 69-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

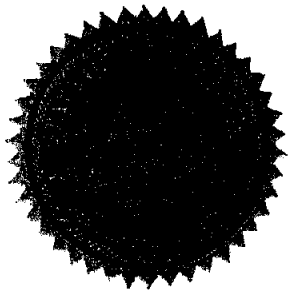
WHEREAS, there have been additional statutory regulations identified by the West Virginia Division of Personnel and the West Virginia Division of Corrections and Rehabilitation that is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulations are to be suspended for the duration of the State of Emergency:

1. In the discretion of the West Virginia Division of Personnel which may issue additional guidance from time to time, notwithstanding West Virginia CSR § 143-1-14.3a, employees of the West Virginia Division of Corrections and Rehabilitation, the West Virginia Division of Emergency Management, the West Virginia State Fire Marshal, and the West Virginia State Police who are directly involved in the pandemic response and unable to use annual leave due to the emergency situation, and are subject to losing said annual leave, shall have all unused annual leave from calendar year 2020 carry forward to and through the calendar year 2021. Said leave shall expire at the end of calendar year 2021.
2. In the discretion of the Division of Corrections and Rehabilitation ("DCR") which may issue additional guidance from time to time, the requirement that State-issued identification cards provided by DCR to released inmates shall be valid for only 90 days after the date of issuance thereof (W. Va. Code § 17B-2-1c(a)).

[Signature Page Follows]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Twenty-Fifth day of September, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 73-20

By the Governor

WHEREAS, a State of Emergency was declared on the Sixteenth Day of March, Two Thousand Twenty for all counties in West Virginia (the "State of Emergency"), to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, Chapter 15, Article 5, Section 6 of the Code of West Virginia authorizes the Governor to, among other things, suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders, rules of any state agency, if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Executive Orders 4-20, 7-20, 10-20, 11-20, 12-20, 17-20, 23-20, 26-20, 31-20, 46-20, 54-20, 57-20, 59-20, 63-20, 66-20, 67-20, 69-20, and 72-20 suspended certain provisions and sections of statute that strict compliance therewith would prevent, hinder, or delay necessary action in coping with the emergency; and

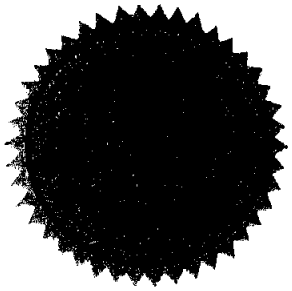
WHEREAS, there has been an additional statutory regulations identified by the West Virginia State Auditor's Office that is preventing the state from best coping with the emergency and assisting the citizens of West Virginia; and

NOW, THEREFORE, I, JIM JUSTICE, pursuant to the authority vested in me pursuant to the provision of Chapter 15, Article 5, Section 6 of the Code of West Virginia, hereby **DECLARE** and **ORDER** that, the following statutory regulation is to be suspended for the duration of the State of Emergency for the sole purpose of removing the technical requirement that public auctions for lands which are delinquent for the nonpayment of taxes be held "at the front door of the courthouse of the county" in which the property being auctioned sits, in order that such public auctions may take place in locations where adequate social distancing may be maintained by any desiring to attend such public auctions:

1. In the discretion of the West Virginia State Auditor's Office which may issue additional guidance from time to time, the requirement that a public auction for lands which are delinquent for the nonpayment of taxes be noticed to be held "at the front door of the courthouse of the county" in which the property being auctioned sits (W. Va. Code § 11A-3-2(a)).

[Signature Page Follows]

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.



DONE at the Capitol in the City of Charleston, State of West Virginia, this Thirtieth day of September, in the year of our Lord, Two Thousand Twenty in the One Hundred Fifty-eighth year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

FILED
2020 SEP 29 P 1:53
OTHER
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Bill J. Crouch
Cabinet Secretary

Ayaz Ahmad, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

TO: Interested Parties

FROM: Stephanie Hickerson, P. E., Manager
Drinking Water Treatment Revolving Fund

DATE: September 29, 2020

RE: Town of Oceana- Water System Upgrades Phase I
Environmental Review – Finding of No Significant Impact (FONSI)
WVIJDC Project #: **2017W-1675**
SRF Project #: **18DWTRFB013**
Wyoming County

Please find attached the Town of Oceana's Water System Upgrades Phase I Project's Finding of No Significant Impact (FONSI).

The review process indicated no significant environmental impacts would result from the proposed action. Consequently, a preliminary decision has been made not to prepare an Environmental Impact Statement.

This action is based on a careful review of the Environmental Information Document and other supporting data. These documents are on file in the West Virginia Bureau for Public Health, Environmental Engineering Division, and are available for public review upon request.

Comments supporting or disagreeing with this preliminary decision may be submitted for consideration to Stephanie D. Hickerson, at 350 Capitol Street, Room 313, Charleston, West Virginia 25301-3713. You may also FAX your comments to our office at (304) 558-0691.

After evaluating all comments received, the Bureau will make a decision no sooner than thirty (30) calendar days from the date of this FONSI. No administrative action will be taken with respect to this proposal during this time frame.

SDH

Attachment

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981

Distribution List:

E.L. Robinson Engineering
Region I Regional Planning & Development Council
Town of Oceana
Division of Culture & History
U.S. Fish and Wildlife Service
West Virginia Development Office
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
Department of the Army COE, Pittsburgh District

FINDINGS OF NO SIGNIFICANT IMPACT

OTHER

September 29, 2020

TO: ALL INTERESTED PARTIES

In accordance with the state regulations found in Title 64, Series 49, "Drinking Water Treatment Revolving Fund", the Bureau for Public Health, Environmental Engineering Division, has performed an environmental review on the proposed project described below and on the attached environmental assessment:

Town of Oceana
110 Cook Street
Oceana, WV 24870
WVIJDC Project #: **2017W-1675**
SRF Project #: **18DWTRFB013**

Water System Upgrades Phase I

(Official Project Name and Number)

Town of Oceana
Post Office Box 190
Oceana, WV 24870

(Project Applicant)

Oceana, Wyoming County, WV

(Project Location, City, County, State)

$ 3,550,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,833,000

(Estimated Total Project Cost)

ENVIRONMENTAL ASSESSMENT

for the
Town of Oceana – Water System Upgrades Phase I
WV IJDC Project No.: **2017W-1625** / SRF Project No.: **18DWTRFB013**

I. PROPOSED PROJECT:

The Town of Oceana's proposed water system upgrade project will consist of the replacement and installation of 19,000 lf (3.6 mi.) of 2" to 12" water mains, 3,450 lf (0.65 mi) of water service lines ¾" to 1", 46 gate valves (2" to 12"), 22 fire hydrants and 124 meters and meter settings. Replacing these older water mains and service lines along Route 10 in which water main breaks and leaks are common occurrences will help the Town reduce their extremely high unaccounted for water loss. This project also includes replacing three 100,000 gallon water tanks (High School, Shumate, Lynco) and installing security fencing and improved access roads to the tank sites. Replacing these three tanks and work at the tank sites will correct multiple significant deficiencies from the system's last sanitary survey. Also, included in the Phase I project are replacing high service pumps, raw water pumps, electrical actuated valves, and installing VFD's on pumps at the water treatment plant.

II. PURPOSE AND NEED:

The existing Oceana Water Treatment Plant was constructed in 1996. The plant is in fair condition, except that some of the pumping equipment and control valves need to be replaced. The plant has been operating an average of 16.5 hours per day due to the high-water loss in the distribution system.

The older portion of the water distribution system is composed mainly of transite pipe (ACP), old cast iron pipe, and galvanized steel pipe. The Town's water loss is likely attributed to these older water mains, older water services, and to water tanks overflowing due to malfunctioning altitude valves. Water main leaks are common in the old transite mains and galvanized steel pipes. Also, the old water service lines often leak, and saddle clamps deteriorate and break off. According to the 2018 PSC annual report the unaccounted-for water loss is approximately 64%. Replacing portions of the older water mains and service lines located mainly along Route 10 where water main breaks and leak are common occurrences will help to reduce the unaccounted for water loss and prevent possible water contamination due to these breaks and leaks.

The Town also has numerous deficiencies identified in the 2014 Sanitary Survey Report concerning various water tanks. The existing High School water tank, Shumate water tank and Lynco water tank are in poor condition and need to be replaced. These tank sites need to be cleared of brush and vegetative cover and covered with aggregate stone, security fence needs to be installed, and the access road needs to be improved. Replacing these tanks and increasing the security at the sites will also help to prevent possible water contamination.

This project is needed for the Town of Oceana to continue providing a safe and dependable potable water supply to their existing customers, and to provide the necessary water infrastructure to construct water distribution system extensions to other area in their water service boundary which have inadequate individual water supplies. The project will also provide the water infrastructure to retain existing businesses and expand business opportunities, and to provide the

water infrastructure equipment and systems to maximize Oceana's water operations by maximizing the utilization of personnel and financial resources.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

The Town is in need of a system upgrade to address the deficiencies cited in the 2014 Sanitary Survey and to improve service to meet current and anticipated future demands. Without the upgrades, leaks in the system would continue to occur without the ability to detect them with flow meters. Access around tanks would continue to be uncontrolled and the three previously mentioned tanks would continue to deteriorate, as well as being deficiencies on the next sanitary survey.

IV. EVALUATION OF ALTERNATIVES:

The only alternative to address the deficiencies in the Town's water system and water operations identified in the Sanitary Survey report dated September 4, 2014 is to construct the water distribution system and water treatment plant upgrade identified in the project scope. The only other alternative is to "do nothing" which does not address the issues and is therefore not an acceptable alternative.

V. ENVIRONMENTAL CONSEQUENCES AND MITIGATION FOR THE SELECTED ALTERNATIVE:

Through the use of an Environmental Screening Checklist the following environmental factors have been addressed (references have been provided as appropriate) and it has been determined this project has no significant impact on any of these elements:

1. **Archeological and Historic Preservation Act of 1974** – A letter from the WV Division of Culture and History regarding the Town of Oceana, Water System Upgrade Phase I project, dated April 10, 2017 states: "After review of the submitted information, it is our opinion that there are no architectural resources eligible for or included in the National Register of Historic Places that will be affected by the proposed project. No further consultation regarding architectural resources is necessary." The same letter also states: "In our opinion, no archaeological historic properties will be affected by the proposed project. No further consultation is necessary with respect to archaeological resources."

2. **National Historic Preservation Act of 1966** – No impact on historical sites, reference above.

3. **Clean Air Act, Pub. L. 84-159** –A letter form the WV DEP Division of Air Quality regarding the Town of Oceana, Water System Upgrade Phase I project, dated March 14, 2017 states: "If the project involves demolition, and/or excavation and transportation of soil/aggregates or the handling of materials that can cause problems such as nuisance dust emissions or entrainment or creation of objectionable odors, adequate air pollution control measures must be applied to prevent statutory air pollution problems addressed by

OTHER

45CSR4 and 45CSR17. As of March 1, 2017, Wyoming County is considered an attainment area for all criteria pollutants" The Preliminary Engineering Report developed by E.L. Robinson Engineering states that "Dust, mud and other conditions will be minimized by regularly sweeping and damping roadways. Noise pollution will be controlled as much as possible through the proper operation and maintenance of equipment and scheduling of work."

4. **Endangered Species Act** – A letter from WV Division of Natural Resources – dated March 22, 2017 – states that "The federally endangered Guyandotte River Crayfish has been documented from within the project footprint; consultation with the US Fish and Wildlife Service is required. In addition, surveys for freshwater mussels are required prior to any in-stream work in Clear Fork and Laurel Fork."

   A letter from the U. S. Fish and Wildlife Service West Virginia Field Office dated September 23, 2020 states that "five federally listed species may occur within the project area and may be affected by construction of this project- one federally threatened species (northern long eared bat) and four federally endangered species (Indiana bat, gray bat, Virginia big-eared bat and Guyandotte River crayfish). The Service does not anticipate the Project adversely affecting the Indiana bat because your project: 1) will affect less than 17 acres of potential Indiana bat foraging or roosting habitat; 2) is not within any of the Indiana bat hibernacula or summer use buffers; 3) will not affect any potential caves or mines that could be used as hibernacula for this species; and 4) effects to aquatic features used for foraging habitat will be insignificant. The project is known to be outside of gray bat and Virginia big eared bat known use areas." In regard to the Guyandotte River crayfish the Service reviewed the crayfish survey conducted by Environmental Solutions and Innovations conducted in May and June of 2019 and the geotechnical report prepared by the engineer. The letter from the service states that "the degree of effects from an open cut to benthic macroinvertebrates are generally greater than properly implemented HDD under conductive geological conditions. However, HDD, if incorrectly implemented, does have its limitations that result in long lasting significant effects to aquatic species and/or habitat through an inadvertent return..." The proposed stream crossing included in the Phase I project will be replaced via horizontal directional drilling or open cut. The conservation measures suggested by the Service will be incorporated into the project.

5. **Protection of Wetlands** – A letter from the Department of the Army, Huntington District, Corps of Engineers dated March 27, 2017 states that "The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a DA permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water. The proposed project, as described in the submitted information, has been reviewed in accordance with Section 404 and Section 10. Based on your description of the proposed work, and other information available to us, it appears the project may include the discharge of dredged and/or fill material into waters on the United States. Therefore, under Section 404, a DA authorization mat be required." A letter from E.L. Robinson states that based on a review of the US Fish and Wildlife Wetland Inventory Maps, the only identified project area

locations on their maps are the Laurel Fork and Clear Fork streams which are classified in the Riverine designations. There are stream crossings proposed in these Riverine designated areas. The proposed stream crossings are planned to be constructed by the directional drilling method to avoid any in-stream disturbance to avoid any negative impact to the endangered Guyandotte crayfish. The US Fish and Wildlife Service did not identify any wetland issues other than the stream crossings impacting the endangered crayfish. A US Army Corps of Engineer permit application will be filed on the proposed stream crossings.

6. **Fish and Wildlife Coordination Act** – Reference item #4.

7. **Wild and Scenic River Act** – A letter from the WV Division of Natural Resources – dated June 7, 1999 – states that "A segment of the Bluestone River in Summers County is the only Wild and Scenic designation in the State." Re-affirmed by letter dated January 23, 2009. (See attached letters)

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated September 21, 2017 states "Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does impact prime or other important farmland.

9. **Flood Plain Management** – According to the DWTRF Certification Letter from E.L. Robinson dated March 1, 2019, portions of the water distribution system facilities will be located within the 100 year floodplain, but most of these water distribution facilities are located underground or at ground level and should not be negatively impact the 100 year floodplain. The risk of flood damage to these water distribution system facilities is minimal. The three existing water storage tanks proposed to be replaced are not located in the 100-year flood plain. The 100-year floodplain level on Laurel Fork is Elev. 1293 at the water treatment plant intake based on FIRM Panel 161. Using the Freeboard value approach, the floodplain elevation at the existing water plant would be 1296. The top of the raw water submersible pump station intake structure is 1296. The bottom of the electrical control panel is located at Elev. 1299, three feet above the top of the intake structure and above the 100-year floodplain elevation. The submersible raw water pumps are located below Elev. 1293 but are designed to be immersed in water at all times. Therefore, the risk of flood damage is minimal to these proposed water treatment plant equipment components.

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council Water Technical Review Committee (approved July 12, 2017) and was granted a Health Department permit to construct September 11, 2019 (#20,416).

11. **Environmental Justice** – Executive Order 12898 requires federally funded activities to identify and address disproportionately high and adverse human health effects of the activities on minority and low-income populations. An Environmental Justice (EJ) Impact Analysis Certification was provided for this project that indicated this project has no impact on environmental justice.

OTHER

12. **Lead Paint Abatement** – A letter from the project engineer states that the three existing painted steel water storage tanks are proposed to be replaced on the project. The steel tank structures will be removed by cutting up the steel tanks in pieces. The existing painted steel tanks will not be sandblasted and therefore there will be no air borne issues that would need to be mitigated. Any sludge materials that have accumulated on the inside floor of the tank will need to be tested and disposed of at a landfill approved to accept such materials.

VI. CLIMATE CHANGE/ENERGY EFFICIENCY/RESILIENCY

A greenhouse gases evaluation was conducted for this project. This evaluation concluded that there will be a decrease of approximately 100,000 lbs/yr of carbon dioxide released as a result of a reduction in the unaccounted-for water lost. The evaluation assumed that after the project the unaccounted water loss will decrease from 65% to 45%. An energy efficiency evaluation was also conducted as part of the review and is available upon request.

VII. ENVIRONMENTAL CONSEQUENCES:

Negative environmental impacts of the project are expected to be minimal since this an upgrade project and most construction activities will take place on existing town streets and existing WVDOH highways in areas that have already been disturbed and urbanized. Primary adverse impacts will be limited to dust, noise, air pollution, and soil erosion during the construction phase of the project. These impacts should be short-term and minimized by work practices and engineering controls.

VIII. MITIGATING MEASURES:

Unavoidable adverse impacts such as erosion and sedimentation will be minimized through the use of silt fences, straw bales, and other available technologies. Disturbed areas will be graded, seeded and mulches as soon as practical after construction. Dust, mud and other conditions will be minimalized by regularly sweeping and damping roadways. Noise pollution will be controlled as much as possible through the proper operation and maintenance of equipment and scheduling of work. Mitigation measures have been outlined for bat and crayfish habitat during the project as noted above in Section V. Additionally, the contractor/s will be required to follow the plans and specifications for the project and abide by all permits and regulations.

IX. PUBLIC PARTICIPATION:

Various public meetings have taken place for this project. The project has also been on the Town's meeting agenda several times.

X. DOCUMENTATION:

A Project Location Map is attached.
References used to complete this Environmental Assessment are noted in **Section V**.

Statutory Checklist

All DWTRF funded projects must comply with the following environmental statutes and executive orders.

Project Sponsor: Town of Oceana **Phone:** (304) 682-6231

Address: 110 Cook Street, Oceana, WV 24870

Public Water System: Town of Oceana **County:** Wyoming

Project: Water System Upgrades Phase I

Statutory or Regulatory Compliance	Affected By Project?		Compliance?		Mitigating Measures Required?		Mitigating Measures Complete?	References (must be included for each statute)
	Yes	No	Yes	No	Yes	No	Date or NA	
Archeological & Historic Preservation Act of 1974		X	X			X	NA	WV Div. Cult/Hist
National Historic Preservation Act of 1966		X	X			X	NA	WV Div. Cult/Hist
Clean Air Act, Pub. L. 84-159, as amended	X		X		X		Minimize emissions from equipment during construction	Preliminary Engineering Report
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act	X		X		X		Comply with US Fish & Wildlife recommendations	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X	NA	USACOE
Fish and Wildlife Coordination Act	X		X		X		Comply with US Fish & Wildlife recommendations	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVBPH
Farmland Protection Policy		X	X			X	NA	NRCS
Floodplain Management	X		X			X	Comply with USACOE NWP 12	USACOE
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	Region IV PDC
Lead Paint Consideration		X	X			X	comply with all local, state, and federal regulations and requirements	E.L. Robinson Engineering

Prepared By: Stephanie Hickerson, PE **Title:** Engineer

Signature: Stephanie Hickerson **Date:** September 29, 2020 **Telephone:** 304-356-4292

Address: WVBPH, 350 Capitol Street, Room 313, Charleston, WV 25301

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OFFICE WEST VIRGINIA SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

In Re:

MONONGALIA COUNTY GENERAL HOSPITAL COMPANY
CON File No. 20-6-11887-P

NOTICE OF PREHEARING CONFERENCE AND ADMINISTRATIVE HEARING

PLEASE TAKE NOTICE that pursuant to Chapter 16, Article 2D, and to Chapter 29A, Article 5, of the West Virginia Code of 1931, as amended, that Barbara Skeen, Interim Executive Director of the West Virginia Health Care Authority, wishes to announce that the following proceedings have been scheduled for the above-noted application:

A PREHEARING CONFERENCE will be held, **November 24, 2020, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **December 1, 2020, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the intent to establish an ambulatory health care facility located at 469 Emily Drive, Clarksburg, in Harrison County, West Virginia.

You and any other "affected persons" as defined by W. Va. Code §16-2D-2 wishing to participate in the hearing of this application are directed to be present at both the prehearing conference and the administrative hearing.

The purpose of the prehearing conference is to designate parties to the hearing, to designate the issues for the hearing, resolve any procedural matters, receive any motions, establish the order of proceedings, receive a listing of the witnesses and a summary of direct testimony that will be offered at the hearing, receive a listing of evidence to be offered and copies of any documents to be offered such as reports or analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be

conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

In a hearing, any person has the right to be present or to be represented by counsel and to present oral or written arguments and relevant evidence. Any person affected by the matter which is the subject of the hearing may conduct reasonable questioning of persons who make factual allegations relevant to such matters.

PLEASE TAKE NOTICE that if the party who requested the hearing withdraws that request, then the hearing will be canceled.

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 12:00 p.m., Monday through Friday. If you have questions concerning this matter, please contact Barbara Skeen, Interim Executive Director, at (304) 558-7000.

Date: September 23, 2020

Barbara Skeen

Barbara Skeen, Interim Executive Director

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WEST VIRGINIA
HEALTH CARE AUTHORITY

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

In Re: **MONONGALIA COUNTY GENERAL HOSPITAL COMPANY**
CON File # 20-6-11887-P

HEARING ORDER

The following shall apply to and govern the above-captioned action and activities conducted in connection with it. In the absence of a specific date or deadline for a given activity, it is anticipated that such activity will be scheduled and conducted within a reasonable time prior to the hearing.

The parties may not amend, modify or adjust any provision of this order except by leave of the Authority.

1. Hearing date: **December 1, 2020, at 9:00 a.m.**

2. Prehearing conference date: **November 24, 2020, at 1:30 p.m.**

3. Settlement conference (optional): **N/A**

4. All replacement pages to CON application to be filed by: **October 6, 2020**
   Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

5. Motions for discovery to be filed by: **October 13, 2020**

6. Discovery completed on or before: **November 13, 2020**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **November 17, 2020**
Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **November 17, 2020**

OTHER

Entered this 23rd day of September, 2020.

B. Allen Campbell

B. Allen Campbell
Senior Assistant Attorney General
Counsel for the West Virginia Health Care Authority

WEST VIRGINIA HEALTH CARE AUTHORITY
CERTIFICATE OF NEED
100 Dee Drive
Charleston, West Virginia 25311-1600

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

OTHER

September 28, 2020

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **September 25, 2020**.

LETTERS OF INTENT EXPIRED

Lots of Hearts Homecare LLC, Charleston, Kanawha County, CON File #20-3-11921-Z, for the development of a home health agency in Putnam County; capital expenditure: $10,000.

Lots of Hearts Homecare LLC, Charleston, Kanawha County, CON File #20-3-11922-Z, for the development of a home health agency in Clay County; capital expenditure: $10,000.

CERTIFICATE OF NEED APPLICATIONS RECEIVED

September 21, 2020 – Home Care Assistance, Barboursville, Cabell County, CON File #20-3-11919-PC, for the provision of in-home personal care services in Kanawha County; capital expenditure: $1,500.

September 21, 2020 – Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11920-P, for the development of an ambulatory health care facility at 428 Morgantown Street, Kingwood, Preston County; capital expenditure: $225,000.

September 21, 2020 – Hometown Care LLC, Belington, Barbour County, CON File #20-4/5/6/7/8/10-11923-BH, for the provision of I/DD services in Barbour, Randolph, Upshur, Taylor, Tucker, Preston, Marion, Harrison, Pocahontas, Webster, Lewis, Pendleton, Monongalia, Doddridge, Tyler and Wetzel counties; capital expenditure: $1,500.

APPLICATIONS FOR EXEMPTION RECEIVED

September 21, 2020 – Lavender Fields Assisted Living, Beverly, Randolph County, CON File #20-7-11930-X, for an addition to the existing facility located in Beverly, Randolph County.

September 24, 2020 – Necco, Inc., South Point, Ohio, CON File #20-1-11932-X, for the expansion of its current outpatient behavioral health, substance abuse and in-home services to youth and adults up to 64 years of age in Wyoming and McDowell counties.

September 24, 2020 – Necco, Inc., South Point, Ohio, CON File #20-3/5/7-11933-X, for the expansion of its current outpatient behavioral health, substance abuse and in-home services to youth and adults up to 64 years of age in Calhoun, Lewis, Clay, Braxton, Wirt and Wood counties.

September 24, 2020 – Necco, Inc., South Point, Ohio, CON File #20-4/5/6/7/8/9/10/11-11934-X, for the expansion of its current outpatient behavioral health, substance abuse and in-home services to youth and adults up to 64 years of age in Barbour, Berkeley, Brooke, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster and Wetzel counties.

September 24, 2020 – Necco, Inc., South Point, Ohio, CON File #20-1/4-11935-X, for the expansion of its current outpatient behavioral health, substance abuse and in-home services to youth and adults up to 64 years of age in Fayette, Greenbrier, Mercer, Monroe, Pocahontas, Nicholas, Raleigh and Summers counties.

September 24, 2020 – Mountain State Recovery Center, Charleston, Kanawha County, CON File #20-2-11936-X, for the provision of behavioral health outpatient services and medication assisted treatment at 650 Washington Avenue, Huntington, Cabell County.

September 24, 2020 – Bluestone Health Association, Inc., Princeton, Mercer County, CON File #20-1-11937-X, for the development of BHA d/b/a Bluestone Primary Care in Princeton, Mercer County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11938-X, for the acquisition of Stonebrook Inc.'s administrative office located at 200 Lutz Avenue, Martinsburg, Berkeley County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11939-X, for the acquisition of Stonebrook Inc.'s Dominion Road Home located in Gerrardstown, Berkeley County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11940-X, for the acquisition of Stonebrook Inc.'s Falling Waters Home located in Falling Waters, Berkeley County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11941-X, for the acquisition of Stonebrook Inc.'s Green House group home located in Martinsburg, Berkeley County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11942-X, for the acquisition of Stonebrook Inc.'s Tilburg Lane Home located in Martinsburg, Berkeley County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11943-X, for the acquisition of Stonebrook Inc.'s Princess Home group

home located in Martinsburg, Berkeley County.

September 25, 2020 – Stonebrook Community Services LLC, Roanoke, Virginia, CON File #20-9-11944-X, for the acquisition of Stonebrook Inc.'s William R. Booth Home located in Hedgesville, Berkeley County.

HEARING NOTICE

The Administrative Hearing and Prehearing Conference have been SCHEDULED in the following matter:

September 23, 2020 - Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #20-6-11887-P, for the development of an ambulatory health care facility located at 469 Emily Drive, Clarksburg, Harrison County, through the acquisition of assets and lease of real property of MedPointe of Harrison County, PLLC and the employment of Alan R. Romine, D.O. and Michael Montgomery, D.O., at the current location of MedPointe; capital expenditure: $375,000.

Prehearing Conference: **November 24, 2020 at 1:30 p.m.**
Administrative Hearing: **December 1, 2020 at 9:00 a.m.**

The prehearing conference and administrative hearing in the above-referenced matter will be held in the office of the Health Care Authority, 100 Dee Drive, Charleston, West Virginia 25311-1600, unless otherwise noted.

HEARING ORDER ISSUED

September 23, 2020 - Monongalia County General Hospital Company, Morgantown, Monongalia County, CON File #20-6-11887-P, for the development of an ambulatory health care facility located at 469 Emily Drive, Clarksburg, Harrison County, through the acquisition of assets and lease of real property of MedPointe of Harrison County, PLLC and the employment of Alan R. Romine, D.O. and Michael Montgomery, D.O., at the current location of MedPointe; capital expenditure: $375,000.

ORDER TO WITHDRAW CON APPLICATION ISSUED

September 23, 2020 - Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11888-P, for the development of an ambulatory health care facility at 428 Morgantown Street, Kingwood, Preston County, through the acquisition of assets and lease of real property of Total Family Care, PLLC and employment of Julia E. Ramberg, M.D.; capital expenditure: $225,000.

Further information may be obtained on any of the above-referenced projects by contacting Barbara Skeen, Director, Certificate of Need Division.

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
WV Health Care Authority

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

October 1, 2020

NEWS ITEM

The Health Care Authority (Authority), pursuant to the Certificate of Need program, has declared complete and accepted for review the expedited applications referenced below:

September 30, 2020 – Preston Memorial Hospital Corporation, Kingwood, Preston County, CON File #20-6-11920-P, for the development of an ambulatory health care facility at 428 Morgantown Street, Kingwood, Preston County; capital expenditure: $225,000.

September 30, 2020 – Hometown Care LLC, Belington, Barbour County, CON File #20-4/5/6/7/8/10-11923-BH, for the provision of I/DD services in Barbour, Randolph, Upshur, Taylor, Tucker, Preston, Marion, Harrison, Pocahontas, Webster, Lewis, Pendleton, Monongalia, Doddridge, Tyler and Wetzel counties; capital expenditure: $1,500.

September 30, 2020 – Encompass Health Rehabilitation Hospital of Huntington, Birmingham, Alabama, CON File #20-2-11927-B, for the addition of four inpatient rehabilitation beds at Encompass Health Rehabilitation Hospital of Huntington; capital expenditure: $4,840,000.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

The review cycle begins on **September 30, 2020**.

On or before **October 30, 2020**, any affected person has the right to request that

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the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **November 4, 2020**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **November 30, 2020**.

A press release will be issued after the decisions are made. Anyone wishing to be directly notified of the Decisions should submit a written request to Barbara Skeen, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

10/1/2020
Date

Barbara Skeen
Barbara Skeen, Director, Certificate of Need
Health Care Authority