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Administrative Law Division

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RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Mining and Reclamation (38-03)	Rules for Quarrying and Reclamation Legislative	§§22-1-3, 22-4-1 et seq.	Public Hearing: May 11, 2022, 6:00 pm WV Dept. of Environmental Protection 601 57th Street Charleston, WV 25304 Written Comments: May 11, 2022, 6:00 pm Charles S. Sturey 601 57th Street Charleston, WV 25304 Charles.s.sturey@wv.gov
Treasurer (112-15)	WV College & Jumpstart Savings Programs Bd. Of Trustees Bylaws Procedural	§18-30-5	Written Comments Only May 4, 2022, 5:00 pm James G Fuerhoff 1900 Kanawha Blvd. E., Room E-145 Charleston, WV 25305 james.fuerhoff@wvsto.com

NO EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**

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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

TITLE NUMBER		NAME OF AGENCY
TITLE	1	ACCOUNTANCY
TITLE	2	ARCHITECTS
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
TITLE	24	OSTEOPATHIC MEDICINE
TITLE	25	SOCIAL WORK EXAMINERS
TITLE	26	VETERINARY MEDICINE
TITLE	27	COUNSELING
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.
TITLE	35	OIL AND GAS
TITLE	36	COAL MINE HEALTH AND SAFETY
TITLE	38	MINING AND RECLAMATION
TITLE	42	LABOR
TITLE	45	AIR QUALITY
TITLE	47	WATER RESOURCES, DIV. OF WATER AND WASTE MGMT.
TITLE	56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE	58	NATURAL RESOURCES
TITLE	60	ENVIRONMENTAL PROTECTION – SECRETARY'S OFFICE
TITLE	61	AGRICULTURE
TITLE	64	HEALTH
TITLE	65	HEALTH CARE AUTHORITY
TITLE	69	HEALTH AND HUMAN RESOURCES
TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
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TITLE	90	CORRECTIONS
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TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
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TITLE	179	LOTTERY COMMISSION
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RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-01A)	Feeding of Untreated Garbage to Swine Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-05)	Commercial Feed Legislative	6/25/2021	7/24/2021	7/27/2021 Approved 8/9/2021	7/26/2021	Modified & Approved 12/9/2021 Filed 1/3/2022	Bundled SB334		
Agriculture (61-07, Repeal)	Enrichment of Flour and Bread Law Regulations Legislative	6/28/2021	7/28/2021		7/28/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled SB334	4/6/2022	4/6/2022
Agriculture (61-08C, Repeal)	Fruits and Vegetables Certification of Potatoes for Seeding Purposes Legislative	6/28/2021	7/28/2021		7/28/2021	Approved 8/19/2021	Bundled SB334	4/6/2022	4/6/2022
Agriculture (61-10)	Fresh Food Act Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/15/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-11B)	Auctioneers Legislative	6/29/2021	7/29/2021		7/29/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-14A)	Rules Dealing with Noxious Weeds Legislative	3/30/2022	4/29/2022						
Agriculture (61-30)	Hemp Products Legislative	6/28/2021	7/28/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/15/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-31)	Livestock Care Standards Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/3/2022	Bundled SB334		
Agriculture (61-33)	Rural Rehabilitation Program Legislative	6/24/2021	7/24/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	6/16/2021	7/16/2021		7/19/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Agriculture (61-38)	Farmers Markets Legislative	6/24/2021	7/24/2021	7/30/2021 Approved 8/9/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 10/5/2021	Bundled SB334		
Agriculture (61-39)	Seed Certification Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 10/6/2021	Bundled SB334		
Air Quality (45-08)	Ambient Air Quality Standards Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021	Bundled SB279	4/1/2022	4/1/2022
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021	Bundled SB279	4/1/2022	4/1/2022
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	6/2/2021	7/6/2021		7/16/2021	Modified & Approved 8/20/2021 Filed 8/26/2021	Bundled SB279	4/1/2022	4/1/2022
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/2/2021	7/6/2021		7/16/2021	Approved 8/19/2021	Bundled SB279	4/1/2022	4/1/2022
Alcohol Beverage Control Comm. (175-02)	Private Club Licensing Legislative	6/1/2021	7/1/2021		7/27/2021	Modified & Approved 12/8/2021 Filed 12/20/2021	Bundled SB312		
Alcohol Beverage Control Comm. – Beer (176-01)	Nonintoxicating Beer Licensing and Operations Procedures Legislative	6/1/2021	7/1/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/20/2021	Bundled SB312		
Auditor (155-09)	Accountability Requirements for State Funds and Grants Legislative	7/30/2021	8/30/2021		9/13/2021	Modified & Approved 12/9/2021 Filed 1/3/2022	Bundled SB334		
Chiropractic Examiners (4-06)	Fees Pertaining to the Practice of Chiropractic Legislative							4/6/2022	7/1/2022
Chiropractic Examiners (4-09)	Chiropractic Telehealth Practice Legislative	6/9/2021	7/9/2021	6/8/2021 Effective 7/20/2021	7/13/2021	Modified & Approved 12/9/2021 Filed 12/15/2021	Bundled SB334	4/1/2022	6/30/2022
Coal Mine Health and Safety (36-23)	Surface Construction Operations Within the Coal Mining Industry of the State of WV Legislative Exempt	2/17/2022	4/4/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Community & Technical College Ed (135-08)	WV Invests Grant Program Legislative	10/8/2021	11/9/2021		11/10/2021	Approved 12/5/2021	HB4291	4/5/2022	6/5/2022
Contractor Licensing Board (28-02)	Contractor Licensing Act Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/9/2021	Bundled SB334	4/1/2022	5/1/2022
Counseling (27-01)	Licensing Rule Legislative	6/30/2021	7/29/2021		7/29/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-02)	Licensed Professional Counselor Fees Rule Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-08)	Marriage and Family Therapist Licensing Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-09)	Marriage and Family Therapist Fees Rule Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Counseling (27-14)	Telehealth and Interstate Telehealth Registration for Licensed Professional Counselors and Licensed Marriage and Family Therapists Legislative	12/6/2021	1/14/2022	1/10/2022 Approved 1/13/2022	1/26/2022				
Crime, Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/28/2021	7/28/2021	6/28/2021 Effective 8/9/2021	7/29/2021	Modified & Approved 9/12/2021 Filed 9/23/2021	Bundled HB4141		
Dentistry (5-01)	Rule for the WV Board of Dentistry Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		
Dentistry (5-02)	Formation and Approval of Professional Limited Liability Companies Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dentistry (5-06)	Formation and Approval of Dental Corporations; and Dental Practice Ownership Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		
Dentistry (5-11)	Continuing Education Requirements Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/17/2021	Bundled SB334		
Dentistry (5-12)	Administration of Anesthesia by Dentists Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021	Bundled SB334		
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	6/18/2021	7/21/2021		7/26/2021	Modified & Approved 9/12/2021 Filed 9/20/2021	Bundled SB334		
Dentistry (5-16)	Teledentistry Legislative	6/17/2021	7/17/2021	6/17/2021 Amendment 7/26/2021 Effective 9/6/2021 Amendment 12/13/2021 Effective 1/24/2022	7/26/2021	Modified & Approved 12/9/2021 Filed 12/13/2021	Bundled SB334		
Economic Development Auth. (117-02)	Meetings and Meeting Notices Procedural	2/24/2022	3/28/2022						
Education (126-004)	Rules of Procedure for Administrative Hearings and Appeals (Policy 1340) Legislative Exempt	3/9/2022	4/11/2022						
Education (126-015)	Reg. and English Language Proficiency Standards for English Learners and Alternate English Language Proficiency Standards for English Learners and Significant Cognitive Disabilities (Policy 2417) Legislative Exempt	2/10/2022	3/11/2022						
Education (126-042)	Assuring Quality of Education: Regulations for Education Programs (Policy 2510) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022

RULE MONITOR									
AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-044CC)	WV College and Career-Readiness Standards for Science (Policy 2520.3C) Legislative Exempt	6/9/2021	7/12/2021					8/16/2021	7/1/2022
Education (126-044M)	WV College- and Career-Readiness Programs of Study/Standards for Career Technical Ed. (Policy 2520.13) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
Education (126-094)	Procedures for the Collection, Maintenance, and Disclosure of Student Data (Policy 4350) Legislative Exempt	3/9/2022	4/11/2022						
Education (126-141)	County Board of Education Relations with County Staff and School Employees (Policy 5300) Legislative Exempt	1/13/2022	2/14/2022					3/9/2022	4/11/2022
Education (126-185)	Intercounty Transfer Arrangements (Policy 7200) Legislative Exempt	12/9/2021	1/10/2022					2/10/2022	7/1/2022
Environmental Protection, Secretary's Office (60-10)	Purchasing Procedure Procedural	8/19/2021	9/20/2021						
Ethics Commission (158-06)	Use of Office for Private Gain, Including Nepotism Legislative	3/22/2021	4/22/2021		5/12/2021	Modified & Approved 12/8/2021 Filed 12/16/2021	Bundled HB4114	3/31/2022	5/15/2022
Fire Commission (87-01)	Fire Code Legislative	6/28/2021	7/28/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 1/7/2022	Bundled HB4141		
Fire Commission (87-04)	State Building Code Legislative	6/23/2021	7/26/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/13/2021 Filed 1/7/2022	Bundled HB4141		
Fire Commission (87-10)	Volunteer Fire Department Equipment and Training Grant Funding Disbursement Legislative	4/12/2021	5/31/2021	3/30/2021 Effective 5/11/2021	6/23/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled HB4141		
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021	Bundled HB4141		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Fire Commission (87-12)	Junior Firefighters Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Approved 9/12/2021	Bundled HB4141		
Fire Commission (87-13)	Certification of Fire Chiefs Legislative	6/22/2021	7/23/2021	6/22/2021 Effective 8/3/2021	7/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled HB4141		
Fire Commission (87-14)	Use of Aqueous Film-Forming Foam (AFFF) for Fire Training Program Purposes Legislative	6/23/2021	7/26/2021		7/27/2021	Approved 9/12/2021	Bundled HB4141		
Fire Marshal (103-04)	Regulation of Fireworks and Related Explosive Materials Legislative	6/25/2021	7/27/2021		7/28/2021	Approved 9/12/2021	Bundled HB4141		
Health (64-10)	Methods and Standards for Chemical Tests for Intoxication Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126	4/1/2022	4/1/2022
Health (64-12)	Hospital Licensure Legislative	6/22/2021	7/22/2021	5/20/2021 Effective 7/1/2021	7/23/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126	4/1/2022	4/1/2022
Health (64-26)	Procedures Pertaining to the Dangerousness Assessment Advisory Board Legislative	2/4/2022	3/7/2022	2/4/2022 Approved 2/4/2022	3/8/2022				
Health (64-42)	Childhood Lead Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021	Bundled HB4126	4/4/2022	4/4/2022
Health (64-43)	Food Manufacturing Facilities Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/14/2021	Bundled HB4126	4/4/2022	5/31/2022
Health (64-47)	Sewage Treatment and Collection System Design Standards Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021	Bundled HB4126	4/4/2022	4/4/2022
Health (64-48)	Emergency Medical Services Legislative	7/29/2021	8/30/2021	7/1/2021 Approved 7/1/2021	9/10/2021	Modified & Approved 12/9/2021 Filed 12/15/2021	Bundled HB4126	4/1/2022	4/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-57)	Clinical Laboratory Practitioner Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled HB4126	4/4/2022	5/1/2022
Health (64-92)	Clandestine Drug Laboratory Remediation Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled HB4126	4/4/2022	5/1/2022
Health (64-97)	Maternal Risk Screening Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/12/2021 Filed 9/24/2021	Bundled HB4126	4/4/2022	4/4/2022
Health & Human Resources (69-17)	Syringe Services Program Licensure Legislative	7/15/2021	8/16/2021	7/15/2021 Effective 8/26/2021 Amendment 8/27/2021 Effective 10/8/2021	8/27/2021	Approved 12/9/2021	Bundled HB4126	4/4/2022	4/4/2022
Health Care Authority (65-32)	Certificate of Need Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled HB4126	4/1/2022	4/1/2022
Insurance Comm. (114-42)	Continuing Education for Individual Insurance Producers and Individual Insurance Adjusters Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 8/19/2021	Bundled SB312		
Insurance Comm. (114-99)	Pharmacy Auditing Entities and Pharmacy Benefit Managers Legislative	6/1/2021	7/1/2021		7/27/2021	Approved 12/8/2021	Bundled SB312		
Insurance Comm. (114-102)	Term and Universal Life Insurance Reserve Financing Legislative	5/28/2021	7/1/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Insurance Comm. (114-103)	Bail Bondsmen in Criminal Cases Legislative	6/1/2021	7/1/2021		7/9/2021	Modified & Approved 8/19/2021 Filed 8/24/2021	Bundled SB312		
Labor (42-09)	Child Labor Rule Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021	Bundled HB4242	3/31/2022	5/1/2022
Lottery Comm. (179-01)	WV Lottery State Lottery Rules Legislative	5/28/2021	6/29/2021		7/7/2021	Modified & Approved 9/12/2021 Filed 9/27/2021	Bundled SB312		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Lottery Comm. (179-05)	WV Limited Video Lottery Rule Legislative	6/1/2021	7/1/2021		7/8/2021	Modified & Approved 9/12/2021 Filed 9/27/2021	Bundled SB312		
Massage Therapy Licensure Bd. (194-01)	General Provisions Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 9/1/2021	Bundled SB334		
Medical Imaging & Radiation Therapy Tech. Bd. Of Exam. (18-01)								4/6/2022	4/6/2022
Medicine (11-01A)	Licensing and Disciplinary Procedures: Physicians, Podiatric Physicians and Surgeons Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021	Bundled SB334		
Medicine (11-01B)	Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021 2nd Filed 11/2/2021	Bundled SB334		
Medicine (11-05)	Bd. Of Medicine Rule for Dispersing of Prescription Drugs by Practitioners Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 9/14/2021	Bundled SB334		
Medicine (11-10)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-11)	Establishment and Regulation of Limited License to Practice Medicine and Surgery at Certain State Veterans Nursing Home Facilities Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		
Medicine (11-14)	Registration to Practice During Declared State of Emergency Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 10/25/2021	Bundled SB334		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medicine (11-15)	Telehealth and Interstate Telehealth Registration for Physicians, Podiatric Physicians and Physicians Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/16/2021	Bundled SB334		
Miners Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in WV Legislative	5/7/2021	6/7/2021	5/7/2021 Approved 6/7/2021 Amendment 8/24/2021 Effective 10/5/2021	6/11/2021	Modified & Approved 8/18/2021 Filed 8/24/2021	Bundled HB4242	4/5/2022	5/5/2022
Miners Health Safety and Training (56-11, repeal)	Rule Governing First-Aid Training of Shaft and Slope Employees Legislative	5/7/2021	6/7/2021		6/11/2021	Approved 8/18/2021	Bundled HB4242	4/5/2022	4/5/2022
Miners Health Safety and Training (56-19)	Substance Abuse Screening, Standards and Procedures Legislative	6/25/2021	7/26/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/24/2021	Bundled HB4242	4/5/2022	7/1/2022
Mining and Reclamation (38-03)	Rules for Quarrying and Reclamation Legislative	4/6/2022	5/11/2022						
Natural Resources (58-23)	Revocation of Hunting and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled HB4242		
Natural Resources (58-27)	Special Motorboating Regulations Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021	Bundled HB4242		
Natural Resources (58-38)	Public Shooting Ranges Legislative	6/30/2021	7/29/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled HB4242		
Natural Resources (58-49)	General Hunting Legislative	6/30/2021	7/29/2021		7/30/2021	Approved 8/19/2021	Bundled HB4242		
Natural Resources (58-63)	Commercial Sale of Wildlife Legislative	6/30/2021	7/29/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/29/2021	Bundled HB4242		
Natural Resources (58-67)	Lifetime Hunting, Trapping and Fishing Licenses Legislative	6/30/2021	7/29/2021		7/30/2021	Modified & Approved 8/19/2021 Filed 8/31/2021	Bundled HB4242		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021	Bundled SB334		
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified & Approved 9/14/2021 Filed 9/29/2021	Bundled SB334		
Osteopathic Medicine (24-07)	Practitioner Requirements for Controlled Substances Licensure and Accessing the WV Controlled Substances Monitoring Program Database Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 9/14/2021 Filed 9/24/2021	Bundled SB334		
Osteopathic Medicine (24-10)	Telehealth Practice and Interstate Telehealth Registration for Osteopathic Physicians and Physician Assistants Legislative	6/29/2021	7/29/2021	6/29/2021 Effective 8/10/2021	7/30/2021	Modified w/Certain Amendments & Approved 12/8/2021 Filed 12/15/2021 2/16/2022	Bundled SB334		
Parole Board (92-01)	Procedural Rules of the WV Parole Board Eligibility, Decisions and Discharge Procedural	3/16/2022	4/15/2022						
Personnel (143-01)	Administrative Rule of the WV Division of Personnel Legislative	5/28/2021	6/30/2021	1/4/2022 Approved 1/7/2022 Withdrawn 2/1/2022	7/29/2021	Modified & Approved 8/18/2021 Filed 8/24/2021	Bundled HB4114	3/24/2022	7/1/2022
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021	Bundled SB334		
Pharmacy (15-08)	Controlled Substances Monitoring Program Legislative	6/11/2021	7/12/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/28/2021	Bundled SB334		
Pharmacy (15-16)	Regulations Governing Pharmacists Legislative	6/14/2021	7/15/2021		7/21/2021	Modified & Approved 9/14/2021 Filed 9/29/2021	Bundled SB334		
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022	4/4/2022				

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Thoroughbred Racing Legislative	5/28/2021	6/28/2021		7/28/2021	Modified & Approved 12/8/2021 Filed 12/8/2021	Bundled SB312		
Real Estate Appraiser Licensing and Certification Bd. (190-02)	Requirements for Licensure and Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021	Bundled SB334		
Real Estate Appraiser Licensing and Certification Bd. (190-03)	Renewal of Licensure or Certification Legislative	6/29/2021	7/29/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021	Bundled SB334		
Real Estate Appraiser Licensing and Certification Bd. (190-05)	Requirements for Registration and Renewal of Appraisal Management Companies Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/21/2021	Bundled SB334		
Registered Professional Nurses (19-16)	Telehealth Practice Legislative	6/30/2021 7/30/2021	7/30/2021 8/29/2021	7/2/2021 Withdrawn 7/8/2021 7/29/2021 Effective 9/9/2021	8/31/2021	Authorized w/Certain Amendments & Approved 12/8/2021	Bundled SB334		
School Building Authority (164-02)	Funding School Building Authority Projects Legislative	9/29/2021	11/1/2021		12/15/2021	Approved 1/10/2022	SB499	4/1/2022	5/1/2022
Sec. of WV DHHR, and WV Insurance Commissioner (114A-01)	All-Payer Claims Database – Data Submission Requirements Legislative	6/30/2021	7/30/2021		7/30/2021	Modified w/Certain Amendments & Approved 12/9/2021 Filed 12/27/2021	Bundled HB4126	4/1/2022	4/1/2022
Secretary of State (153-25)	Combined Voter Registration and Driver Licensing Fund Legislative	6/25/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-30)	Use of Digital Signatures Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-43)	Regulation of Political Party Headquarters Finances Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-45)	Standards and Guidelines for Electronic Notarization, Remote Online Notarization, and Remote Ink Notarization Legislative	6/24/2021	7/27/2021		7/30/2021	Modified & Approved 12/8/2021 Filed 12/29/2021	Bundled SB334		
Secretary of State (153-48)	Real Property Electronic Recording Standards and Regulations Legislative	6/29/2021	7/29/2021		7/30/2021	Approved 12/8/2021	Bundled SB334		
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Senior Services (76-04)	WV State Plan for Aging Programs Interpretive	3/14/2022	4/13/2022						
Social Work Examiners (25-01)	Qualifications for the Profession of Social Work Legislative	6/30/2021	7/30/2021	6/30/2021 Effective 8/11/2021	7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled SB334		
Social Work Examiners (25-05)	Continuing Education for Social Workers and Providers Legislative	6/30/2021	7/30/2021		7/30/2021	Modified & Approved 12/9/2021 Filed 12/20/2021	Bundled SB334		
Speech Language Pathology and Audiology (29-01)	Licensure of Speech-Pathology and Audiology Legislative	4/28/2021	6/4/2021	4/27/2021 Effective 6/8/2021	6/9/2021	Modified & Approved 12/9/2021 Filed 12/16/2021	Bundled SB334	4/1/2022	5/1/2022
State Police (81-03)	Career Progression Legislative	6/29/2021	7/30/2021		7/30/2021	Modified & Approved 8/18/2021 Filed 1/10/2022	Bundled HB4141		
Tax (110-01J)	Valuation of Producing and Reserve Oil, Natural Gas Liquids, and Natural Gas for Ad Valorem Property Tax Purposes Legislative	6/4/2021	7/7/2021	6/8/2021 Effective 7/20/2021	7/30/2021	Recommend Rejection 1/9/2022			
Tax (110-13KK)	WV Tax Credit for Federal Excise Tax Imposed Upon Small Arms and Ammunition Manufacturers Legislative	6/4/2021	7/7/2021		7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021	Bundled SB312		
Tax (110-15F)	Sales Tax Holiday Legislative	5/11/2021	6/11/2021	5/7/2021 Amendment 6/3/2021 Approved 6/7/2021	6/30/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled SB312		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-15L)	Exemption for Repair, Remodeling, and Maintenance of Aircraft Legislative	6/2/2021	7/7/2021	6/2/2021 Effective 7/14/2021	7/8/2021	Modified & Approved 8/19/2021 Filed 9/7/2021	Bundled SB312		
Tax (110-15M)	Vendor Absorption or Assumption of Sales and Use Tax Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/3/2021	7/7/2021		7/8/2021	Approved 9/12/2021	Bundled SB312		
Tax (110-21F)	The Coal Severance Tax Rebate Interpretive	2/7/2022	3/9/2022						
Tax (110-24)	Corporation Net Income Tax Legislative	6/2/2021	7/7/2021		7/27/2021	Modified & Approved 9/12/2021 Filed 9/21/2021	Bundled SB312		
Transportation (217-01)	Employment Procedures Legislative	6/30/2021	7/30/2021	11/19/2021 Effective 12/31/2021	7/30/2021	Modified & Approved 12/8/2021 Filed 1/3/2022	Bundled SB330	4/4/2022	4/4/2022
Treasurer (112-02)	Substitute Checks-Exceptional Items Fund Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer (112-10)	Reporting Debt Legislative	6/28/2021	7/29/2021		7/29/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer (112-12)	Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment Legislative	6/28/2021	7/28/2021		7/29/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer (112-13)	Procedures for Providing Services to Political Subdivisions Legislative	6/25/2021	7/26/2021		7/29/2021	Approved 8/20/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer (112-15)	WV College & Jumpstart Savings Programs Bd of Trustees Bylaws Procedural	4/4/2022	5/4/2022						
Treasurer (112-18)	Hope Scholarship Program Legislative	2/9/2022	3/11/2022	2/9/2022 Effective 3/23/2022					
Treasurer (112-19)	WV Hope Scholarship Board Procedures and Bylaws Procedural	2/10/2022	3/14/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Workers Compensation Bd. Of Review (102-01)	Rules of Practice and Procedure and Litigation of Protests Procedural	2/23/2022	3/25/2022					4/4/2022	7/1/2022

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Administration 148-06	Parking 3/1/2023	10/14/2021	10/15/2021				
Agriculture 61-23D	Inspection of Nontraditional, Domesticated Animals 4/22/2023	11/15/2021	11/15/2021				
Athletic Commission 177-02	Regulation of Mixed Martial Arts 6/1/2023	1/27/2022	1/27/2022				
Auditor 155-08	Procedure for Local Levying Bodies to Apply for Permission to Extend Time to Meet as Levying Body 7/1/2022	5/13/2021	1/3/2022	Modified & Approved 1/9/2022 Filed 1/10/2022	Bundled SB334		
Community & Technical College Education 135-35	Correspondence, Business, Occupational, and Trade Schools 7/19/2022	4/5/2021	4/27/2021	Approved 9/14/2021	HB4291	4/5/2022	6/5/2022
Community & Technical College Education 135-52	Annual Reauthorization of Degree-Granting Institutions 7/19/2022	4/6/2021	4/27/2021	Approved 9/14/2021	HB4291	4/5/2022	6/5/2022
Dangerous Wild Animal Board 74-01	Dangerous Wild Animals 6/5/2022	4/5/2021	4/5/2021	Approved 8/18/2021	Bundled SB334	4/5/2022	4/5/2022
Health 64-103	Expedited Paratner Therapy 6/1/2022	5/10/2021	5/10/2021	Approved 9/12/2021	Bundled HB4126	4/1/2022	4/1/2022
Health and Human Resources 69-11	Medication-Assisted treatment – Opioid Treatment Programs 6/1/2022	5/10/2021	5/10/2021	Approved 9/14/2021	Bundled HB4126	4/1/2022	4/1/2022
Health and Human Resources 69-13	Development of Methodologies to Examine Needs for Substance Use Disorder Treatment Facilities within the State 3/22/2023	12/3/2021					
Higher Education Policy Commission 133-48	Research Trust Fund 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Higher Education Policy Commission 133-52	Annual Reauthorization of Degree-Granting Institutions 8/5/2022	5/5/2021	5/5/2021	Approved 9/14/2021			
Highways 157-02	Disposal, Lease and Management of Real Property and Appurtenant Structures and Relocation Assistance 4/6/2023	12/17/2021					
Insurance Commission 114-98	Adoption of Valuation Manual 5/19/2022	3/31/2021	3/31/2021	Approved 8/19/2021	Bundled SB312		

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Labor 42-35	Registration of Service Persons and Service Agencies 3/30/2023	11/30/2021	11/30/2021				
Labor 42-36	Registration of Weighing and Measuring Devices Used by Businesses in Commercial Transactions 3/30/2023	11/29/2021	11/30/2021				
Natural Resources 58-11	Hunting, Fishing, and Other Outfitters and Guides 5/7/2023	11/30/2021	11/30/2021				
Natural Resources 58-64	Miscellaneous Permits and Licenses 5/7/2023	11/30/2021	11/30/2021				
Psychologists 17-06	Code of Ethics 7/1/2023	2/3/2022					
Public Service Commission 150-37	Rules Governing the Occupancy of Customer-Provided Conduit 8/1/2022	5/6/2021	8/6/2021	Modified & Approved 8/19/2021 Filed 8/24/2021	Bundled SB334		
Racing Commission 178-05	Pari-Mutuel Wagering 8/1/2022	4/26/2021	4/30/2021	Approved 8/18/2021	Bundled SB312		
Registererd Professional Nurses 19-08	Limited Prescriptive Authority for Nurses in Advanced Practice 5/15/2022	3/17/2021	5/10/2021	Approved 12/8/2021	Bundled SB334		
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
Secretary of State 153-03	Voter Registration at the Division of Motor Vehicles 5/23/2022	5/10/2021	5/10/2021	Approved 12/8/2021	Bundled SB334		
Secretary of State 153-05	Voter Registration List Maintenance by the Secretary of State 5/23/2022	5/10/2021	5/10/2021	Approved 12/8/2021	Bundled SB334		
Tax 110-13DD	Farm-To-Food Bank Tax Credit 8/1/2023	3/23/2022	3/25/2022				
Tax 110-22	Property Transfer Tax 8/1/2023	3/23/2022	3/25/2022				
Tax 110-28	Municipal Sales and Service and Use Tax Administration 8/1/2023	3/23/2022	3/25/2022				

LEGISLATIVE RULES FILED PER THE SUNSET PROVISION W. Va. Code §29A-3-19 and 29A-3A-20							
AGENCY/SERIES NUMBER	**RULE/SUNSET DATE**	**REQUEST**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Tax 110-42	Personnel Rule for the Tax Division 8/1/2023	3/10/2022	3/25/2022				
Treasurer 112-04	Procedures for Deposit of Monies with the State Treasurer's Office by State Agencies 6/1/2022	5/5/2021	5/6/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer 112-06	Selection of State Depositories for Disbursement Accounts through Competitive Bidding 6/1/2022	5/6/2021	5/6/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer 112-07	Selection of State Depositories for Receipt Accounts 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022
Treasurer 112-08	Procedures for Processing Payments from the State Treasury 6/1/2022	5/7/2021	5/7/2021	Approved 8/19/2021	Bundled SB334	4/7/2022	4/7/2022

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Agriculture TITLE-SERIES: 61-07

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

RULE NAME: Enrichment of Flour and Bread Law Regulations

CITE STATUTORY AUTHORITY: §19-11A-10

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-1 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 6, 2022

This rule shall terminate and have no further force or effect from the following date:

April 06, 2022

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

Yes

Norman Bailey -- 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

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Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Agriculture TITLE-SERIES: 61-08C

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

RULE NAME: Fruits and Vegetables: Certification of Potatoes for Seedling Purposes

CITE STATUTORY AUTHORITY: §19-16-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-1 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 6, 2022

This rule shall terminate and have no further force or effect from the following date:

April 06, 2022

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

Yes

Norman Bailey -- 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.

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LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-08

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

RULE NAME: Ambient Air Quality Standards

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB279

Section 64-3-1 (a) Passed On 2/11/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

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.

WEST VIRGINIA SECRETARY OF STATE
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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-16

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

RULE NAME: Standards of Performance for New Stationary Sources

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB279

Section 64-3-1 (b) Passed On 2/11/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

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.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/1/2022 1:36:28 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-18

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

RULE NAME: Control of Air Pollution from Combustion of Solid Waste

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB279

Section 64-3-1 (c) Passed On 2/11/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

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.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

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4/1/2022 1:37:39 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Air Quality TITLE-SERIES: 45-34

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

RULE NAME: Emission Standards for Hazardous Air Pollutants

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB279

Section 64-3-1 (d) Passed On 2/11/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

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.

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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4/6/2022 10:57:53 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Chiropractic Examiners TITLE-SERIES: 4-06

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

RULE NAME: 4CSR6 Fees Pertaining To The Practice of Chiropractic

CITE STATUTORY AUTHORITY: W. Va. Code 30-16-5

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB334

Section W. Va. Code §64-9-3 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

Barbara L Johnson -- 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

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4/1/2022 10:01:20 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Chiropractic Examiners TITLE-SERIES: 4-09

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

RULE NAME: 4CSR9 Chiropractic Telehealth Practice

CITE STATUTORY AUTHORITY: W. Va. Code §30-1-26

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB334

Section W. Va. Code §64-9-3 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 30, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

Barbara L Johnson -- 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

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4/5/2022 3:21:17 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Community And Technical College Education TITLE-SERIES: 135-08

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

RULE NAME: West Virginia Invests Grant Program

CITE STATUTORY AUTHORITY: §18B-1-6 and §18C-9-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB4291

Section §18B-17-3(aa) Passed On 3/7/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 5, 2022

This rule shall terminate and have no further force or effect from the following date:

June 05, 2027

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

Yes

Angela S Kerns -- 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

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4/5/2022 4:31:17 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Community And Technical College Education TITLE-SERIES: 135-35

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

RULE NAME: Business, Occupational, and Trade Schools

CITE STATUTORY AUTHORITY: §18B-2B-9

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB4291

Section §18B-17-3(y) Passed On 3/7/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 5, 2022

This rule shall terminate and have no further force or effect from the following date:

June 05, 2027

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

Yes

Angela S Kerns -- 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

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4/5/2022 4:43:13 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Community And Technical College Education TITLE-SERIES: 135-52

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

RULE NAME: Annual Reauthorization of Degree-Granting Institutions

CITE STATUTORY AUTHORITY: §18B-4-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) HB4291

Section §18B-17-3(z) Passed On 3/7/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

June 5, 2022

This rule shall terminate and have no further force or effect from the following date:

June 05, 2027

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

Yes

Angela S Kerns -- 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

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4/5/2022 3:07:48 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Dangerous Wild Animal Board TITLE-SERIES: 74-01

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

RULE NAME: Dangerous Wild Animal

CITE STATUTORY AUTHORITY: §19-34-3

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-6 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 5, 2022

This rule shall terminate and have no further force or effect from the following date:

April 05, 2032

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

Yes

Norman Bailey -- 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

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4/1/2022 12:39:27 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-10

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

RULE NAME: METHODS AND STANDARDS FOR CHEMICAL TESTS FOR INTOXICATION

CITE STATUTORY AUTHORITY: 16-1-4 and 17C-5-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(a) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/1/2022 3:51:08 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-12

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

RULE NAME: HOSPITAL LICENSURE

CITE STATUTORY AUTHORITY: 16-5B-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(b) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

April L Robertson -- 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

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4/4/2022 1:53:50 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-42

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

RULE NAME: CHILDHOOD LEAD SCREENING

CITE STATUTORY AUTHORITY: 16-1-4 and 16-35-4a

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(c) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 4, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/4/2022 3:11:37 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-43

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

RULE NAME: FOOD MANUFACTURING FACILITIES

CITE STATUTORY AUTHORITY: 16-1-4 and 16-7-1

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(d) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 31, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/4/2022 2:57:43 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-47

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

RULE NAME: SEWAGE TREATMENT AND COLLECTION SYSTEM DESIGN STANDARDS

CITE STATUTORY AUTHORITY: 16-1-4 and 16-1-9

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(e) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 4, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/1/2022 3:49:36 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-48

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

RULE NAME: EMERGENCY MEDICAL SERVICES

CITE STATUTORY AUTHORITY: 16-1-4, 16-4C-6, 16-4C-14, and 16-4C-23

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(f) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

April L Robertson -- 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

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4/4/2022 1:02:43 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-57

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

RULE NAME: CLINICAL LABORATORY PRACTITIONER LICENSURE AND CERTIFICATION

CITE STATUTORY AUTHORITY: 16-1-4, 16-1-11, and 16-5J-10

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(g) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-92

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

RULE NAME: CLANDESTINE DRUG LABORATORY REMEDIATION

CITE STATUTORY AUTHORITY: 16-1-4 and 60A-11-3

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(h) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/4/2022 12:54:05 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-97

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

RULE NAME: MATERNAL RISK SCREENING

CITE STATUTORY AUTHORITY: 16-1-4 and 16-4E-4

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(i) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 4, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/1/2022 11:11:35 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health TITLE-SERIES: 64-103

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

RULE NAME: EXPEDITED PARTNER THERAPY

CITE STATUTORY AUTHORITY: 16-4F-5

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(i) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/1/2022 11:25:34 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health And Human Resources TITLE-SERIES: 69-11

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

RULE NAME: MEDICATION-ASSISTED TREATMENT - OPIOID TREATMENT PROGRAMS

CITE STATUTORY AUTHORITY: 16-5Y-13

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(k) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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

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4/4/2022 1:36:36 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health And Human Resources TITLE-SERIES: 69-17

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

RULE NAME: SYRINGE SERVICES PROGRAM LICENSURE

CITE STATUTORY AUTHORITY: 16-64-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-1(l) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 4, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2026

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

Yes

April L Robertson -- 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
INCOME MAINTENANCE MANUAL CHANGE FORM

Please Stamp Filing Date

FILED

2022 APR -5 A 10: 34

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE

AGENCY:	**West Virginia Department of Health and Human Resources**	**BUREAU:**	**Children & Families**
TITLE OF MANUAL TO WHICH POLICY IS BEING FILED:	**Income Maintenance Manual**		
STATE RULE:	**FEDERAL RULE:**	**EFFECTIVE DATE:**	**April 1, 2022**
CHANGE NUMBER:	**Updated New Income Maintenance Manual 819**		
CHAPTERS/SECTIONS EFFECTED:	**4, 14, 18, 20 & 21**		

SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS

REASON FOR MANUAL CHANGE:	Purpose for this change: Update income limits; Update sanctions; Clarified timesheets; Update EA limits and added Low-income Household Water/Wastewater Assistance Program (LIHWAP).

THIS IS PART OF AN EXISTING LEGISLATIVE RULE

The above policy is hereby filed as an incorporated portion of an existing legislative rule.

Monica Hamilton
Authorized Signature

CONTACT:
Office of the Secretary
West Virginia Department of Health and Human Resources
State Capitol Complex, Building 3, Room 206
Charleston, West Virginia 25305
304.558.7899 Telephone

Revision 07/07

LEGISLATIVE

WEST VIRGINIA
SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION
INCOME MAINTENANCE MANUAL CHANGE FORM

Please Stamp Filing Date

FILED

2022 APR -5 A 10: 34

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

NOTICE OF FILING CHANGES TO PUBLIC ASSISTANCE MANUAL WITH THE SECRETARY OF STATE

AGENCY:	**West Virginia Department of Health and Human Resources**	**BUREAU:**	**Children & Families**
TITLE OF MANUAL TO WHICH POLICY IS BEING FILED:	**Income Maintenance Manual**		
STATE RULE:	**FEDERAL RULE:**	**EFFECTIVE DATE:**	**April 1, 2022**
CHANGE NUMBER:	**Updated New Income Maintenance Manual 820**		
CHAPTERS/SECTIONS EFFECTED:	**1, 10, 22 & 23**		

SEE DW-17 FORM FOR SPECIFIC CHANGES / MODIFICATIONS

REASON FOR MANUAL CHANGE:	Purpose for this change: Sections 9812 and 9822 of the American Rescue Plan Act of 2021 (ARP) give states an option to provide 12 months of continuous postpartum coverage in Medicaid and WVCHIP. West Virginia implemented this option in their state plan effective April 1, 2022.

THIS IS PART OF AN EXISTING LEGISLATIVE RULE

The above policy is hereby filed as an incorporated portion of an existing legislative rule.

Monica Hamilton
Authorized Signature

CONTACT:
Office of the Secretary
West Virginia Department of Health and Human Resources
State Capitol Complex, Building 3, Room 206
Charleston, West Virginia 25305
304.558.7899 Telephone

Revision 07/07

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/1/2022 4:11:09 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Health Care Authority TITLE-SERIES: 65-32

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

RULE NAME: CERTIFICATE OF NEED

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

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-2(a) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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
4/6/2022 9:56:27 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Medical Imaging And Radiation Therapy Technology Board Of Examiners TITLE-SERIES: 18-01

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

RULE NAME: WV Medical Imaging and Radiation Therapy Technology Board of Examiners

CITE STATUTORY AUTHORITY: Chapter 30-23

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB334

Section Foster Amendment Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 6, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2035

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

Yes

Jamie S Browning -- 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
4/5/2022 10:28:53 AM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-03

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

RULE NAME: Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-38 and 22A-1-42

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) H.B. 4242

Section 64-10-2(a) Passed On 3/8/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 5, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James Bailey -- 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
4/5/2022 10:30:17 AM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-11

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

RULE NAME: Rule Governing First-Aid Training of Shaft and Slope Employees

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1-6 and 22A-7-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) H.B. 4242

Section 64-10-2(b) Passed On 3/8/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 5, 2022

This rule shall terminate and have no further force or effect from the following date:

April 05, 2022

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

Yes

James Bailey -- 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
4/5/2022 10:32:27 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Miners Health Safety And Training TITLE-SERIES: 56-19

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

RULE NAME: Substance Abuse Screening, Standards and Procedures

CITE STATUTORY AUTHORITY: W. Va. Code 22A-1A-2(b) and (c)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) H.B. 4242

Section 64-10-2(c) Passed On 3/8/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James Bailey -- 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
4/6/2022 8:33:15 AM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Mining And Reclamation TITLE-SERIES: 38-03

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

RULE NAME: RULES FOR QUARRYING AND RECLAMATION

CITE STATUTORY AUTHORITY: W. Va. Code §§22-1-3 and 22-4-1 et seq.

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 05/11/2022 6 PM

LOCATION OF PUBLIC HEARING:

WV Department of Environmental Protection,601 57th Street Charleston, WV 25304

DATE WRITTEN COMMENT PERIOD ENDS: 05/11/2022 6 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: charles S, Sturey

ADDRESS: 601 - 57th Street

Charleston, WV 25304

EMAIL: charles.s.sturey@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
4/4/2022 9:59:28 AM

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: Pharmacy TITLE-SERIES: 15-19

RULE TYPE: Legislative Amendment to Existing Rule: Repeal of existing rule:

RULE NAME: 15-19 West Virginia Board Of Pharmacy Inspections

PRIMARY CONTACT

NAME: Ryan Hatfield

ADDRESS: 2310 Kanawha Blvd E

Charleston, WestVirginia 25311

EMAIL: ryan.l.hatfield@wv.gov

PHONE NUMBER: 304-558-0558

CITE STATUTORY AUTHORITY: 30-5-7

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:

This rule governs inspections. The Board was required to file this emergency rule pursuant to a legislative audit.

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: 2/3/2022

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 3/7/2022

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
4/1/2022 12:09:21 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: School Building Authority Of WV TITLE-SERIES: 164-02

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

RULE NAME: 164-02 Funding School Building Authority Projects

CITE STATUTORY AUTHORITY: §18-9D-20

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) Senate Bill 499

Section §18-9D-21 Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2022

This rule shall terminate and have no further force or effect from the following date:

January 15, 2031

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

Yes

Dana E Womack -- 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
4/1/2022 10:03:53 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Secretary of the WV DHHR and WV Insurance Commissioner

TITLE-SERIES: 114A-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: ALL-PAYER CLAIMS DATABASE -- DATA SUBMISSION REQUIREMENTS

CITE STATUTORY AUTHORITY: 33-4A-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4126

Section 64-5-3(a) Passed On 3/3/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

April L Robertson -- 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
4/1/2022 1:03:46 PM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Speech Language Pathology And Audiology

TITLE-SERIES: 29-01

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Licensure of Speech-Pathology and Audiology

CITE STATUTORY AUTHORITY: 30-32-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section 64-9-22 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

May 1, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2030

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

Yes

Patty Nesbitt -- 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
4/4/2022 3:23:54 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Transportation Department of

TITLE-SERIES: 217-01

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Employment Procedures

CITE STATUTORY AUTHORITY: W. Va. Code §5F-2-8

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB330

Section §64-8-2

Passed On 3/8/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 4, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

Lori Ann Suite -- 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
4/7/2022 2:20:35 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-02

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Substitute Checks-Exceptional Items Fund

CITE STATUTORY AUTHORITY: §12-4-11

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23

Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 2:30:57 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-04

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Procedures for Deposit of Moneys with the State Treasurer's Office by State Agencies

CITE STATUTORY AUTHORITY: §12-2-2

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 2:44:32 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-06

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Selection of State Depositories for Disbursement Accounts Through Competitive Bidding

CITE STATUTORY AUTHORITY: §12-1-2

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 2:46:25 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-07

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Selection of State Depositories for Receipt Accounts

CITE STATUTORY AUTHORITY: §12-1-2

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23

Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 3:58:21 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-08

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Procedures for Processing Payments from the State Treasury

CITE STATUTORY AUTHORITY: §12-3-1

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23

Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 3:41:07 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-10

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Reporting Debt

CITE STATUTORY AUTHORITY: §12-6A-7

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23

Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 3:45:08 PM

Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-12

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Procedures for Fees in Collections by Charge, Credit or Debit Card or by Electronic Payment

CITE STATUTORY AUTHORITY: §12-3A-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23

Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/7/2022 3:47:52 PM

Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Treasurer

TITLE-SERIES: 112-13

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Procedures for Providing Services to Political Subdivisions

CITE STATUTORY AUTHORITY: §12-3A-6

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

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

Yes

James G Fuerhoff -- 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
4/4/2022 1:46:24 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Treasurer

TITLE-SERIES: 112-15

RULE TYPE: Procedural

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: West Virginia College & Jumpstart Savings Programs Board of Trustees Bylaws

CITE STATUTORY AUTHORITY: §18-30-5

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 05/04/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: James G Fuerhoff

ADDRESS: 1900 Kanawha Boulevard East, Rm E-145

EMAIL: james.fuerhoff@wvsto.com

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)

PROCEDURAL

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED
4/4/2022 1:30 PM
Office of West Virginia
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL RULE

AGENCY: Workers Compensation Board Of Review

TITLE-SERIES: 102-01

RULE TYPE: Procedural

Amendment to Existing Rule: Yes

Repeal of existing rule: Yes

RULE NAME: Procedural Rule Workers' Compensation Board of Review

CITE STATUTORY AUTHORITY: 23-5-11a(j) and (m)

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

July 1, 2022

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

Yes

Beth M Suter -- 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.

Orders Report

Docket Number	Agency	Respondent	Date Rendered

None Received This Week

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2022-10	A County Assessor asks whether he may accept an honorarium from a professional Association to cover travel-related expenses for being an instructor or attendee at a conference.

Grievances Report

Docket Number	Grievants Name	Respondents Name	Date Decision
2022-0526-DOT	Albert S. Smart	Highways	2/2/2022
2020-0745-MAPS	Nellie A. Payne-Lesher	Division of Corrections and Rehabilitation	3/1/2022
		Bureau for Prisons and Jail	3/1/2022
		Mount Olive Correctional Complex and Jail	3/1/2022
2021-0570-MAPS	Mark Miller	Division of Corrections and Rehabilitation	3/2/2022
		Bureau of Juvenile Services	3/2/2022
		Donald R Kuhn Juvenile Center	3/2/2022
2022-0529-HamED	Sarah Thompson	Hampshire County Board Of Education	3/3/2022
2021-0034-FSU	John Edward O'Connor	Fairmont State University	3/4/2022
2022-0038-HanED	Alyssa Mick	Hancock County Board Of Education	3/4/2022
2019-1703-CONS	Sandra Jeffries, et al.,	Department Of Health And Human Resources	3/7/2022
		William R. Sharpe, Jr. Hospital	3/7/2022
2022-0630-KanED	Lori L. Gibson	Kanawha County Board Of Education	3/8/2022
2021-2380-CabED	Brent Wayne Jarrell	Cabell County Board Of Education	3/8/2022
2021-1050-DHHR	Ashley Simmons	Department Of Health And Human Resources	3/8/2022
		Bureau for Public Health	3/8/2022
2021-2540-CONS	Kari Hamrick	Calhoun Gilmer Career Center	3/8/2022
2021-2440-WayED	Cory Maynard	Wayne County Board Of Education	3/9/2022
2022-0603-DNR	Theodore C. Malone	Natural Resources	3/15/2022
2022-0165-DOC	Theodore Malone	Natural Resources	3/15/2022
2022-0644-McDED	Lillian Rose Keys	McDowell County Board Of Education	3/15/2022
2021-2160-CONS	Harry Truax	Corrections and Rehabilitation	3/16/2022
		Bureau for Prisons and Jail	3/16/2022
		Salem Correctional Center and Jail	3/16/2022

4/7/2022 9:36:20 AM

2019-1890-CONS	**Daniel Allan Weatherholt**	Highways	3/16/2022
2022-0661-BraED	**Joseph McMillion**	Braxton County Board Of Education	3/17/2022
2021-2254-DOT	**Robert Anthony Jeffries**	Highways	3/17/2022
2022-0384-DHHR	**Thomas Sullivan**	Health And Human Resources	3/18/2022
		Mildred Mitchell-Bateman Hospital	3/18/2022
2022-0612-MnrED	**Lori Feamster**	Monroe County Board Of Education	3/18/2022
2022-0647-DOT	**Eleanor Gertrude Goodman**	Highways	3/18/2022
2020-1440-CONS	**Crystal Dawn Miller**	Department Of Health And Human Resources	3/18/2022
		William R. Sharpe, Jr. Hospital	3/18/2022
		Division Of Personnel	3/18/2022
	Nina Louise Bleigh	Department Of Health And Human Resources	3/18/2022
		William R. Sharpe, Jr. Hospital	3/18/2022
		Division Of Personnel	3/18/2022
2022-0303-DACH	**Leslie Elizabeth Bragg**	West Virginia Library Commission	3/18/2022
2022-0593-WooED	**Mycah Auville**	Wood County Board Of Education	3/21/2022
2022-0213-DOC	**Cory Michael Hartman**	Natural Resources	3/24/2022
		Personnel	3/24/2022
2022-0683-KanED	**Debra Clark**	Kanawha County Board Of Education	3/29/2022
2021-1061-CONS	**Lisa Dewitt, et. al.,**	Preston County Board Of Education	3/29/2022
2021-2330-DHHR	**Tabetha Phillips-Friend**	Health And Human Resources	3/30/2022
		Bureau For Children And Families	3/30/2022
2021-0923-CONS	**Erica Hampton, ET AL.,**	Raleigh County Board Of Education	3/30/2022
2022-0348-PutED	**Sondra Mullins**	Putnam County Board Of Education	3/30/2022

FILED
WV SECRETARY OF STATE
APRIL 05, 2022 09:10 AM

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

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

TO: Interested Parties

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

DATE: April 5,2022

RE: Chestnut Ridge PSD – Line Upgrades/Replacement Project
Environmental Review – Finding of No Significant Impact (FONSI)
WVIJDC Project #: **2019W-1835**
SRF Project #: **19DWTRFA002**
Barbour County

Please find attached the Chestnut Ridge Public Service District's Line Upgrades and Replacement 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

OTHER

Distribution List:

Thrasher Group
Region VII Regional Planning & Development Council
Chestnut Ridge Public Service District
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

April 5,2022

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:

Chestnut Ridge PSD
20 Columbia Street
Philippi , WV 26416
WVIJDC Project #: **2019W-1835**
SRF Project #: 19DWTRFA002

Line Upgrades/Replacement Project
(Official Project Name and Number)

Chestnut Ridge PSD
20 Columbia Street
Philippi , WV 26416

(Project Applicant)

Chestnut Ridge PSD
Philippi, (Barbour County) WV

(Project Location, City, County, State)

$ 1,902,500

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 5,300,000

(Estimated Total Project Cost)

OTHER

ENVIRONMENTAL ASSESSMENT

for the
Chestnut Ridge PSD Waterline Upgrade Project
WV IJDC Project No.: **2019W-1835/** SRF Project No.: **19DWTRFA002**

I. PROPOSED PROJECT:

The Chestnut Ridge Public Service District (PSD) owns and operates two (2) Class WD potable water distribution systems in northern Barbour County, WV. The PSD purchases treated surface water from the City of Philippi, located in Barbour County, WV. This project will address the operability issues with the system. This will consist of main line valve replacement, the installation of master meters for zone metering, and the replacement of the existing residential water meters with radio read meters as well rehabilitation or replacement of the existing water storage tanks, improvements to or replacement of the existing booster pump stations and the installation of a new telemetering and SCADA system. The areas determined to have the highest amount of water loss are also being targeted for line replacement.

II. PURPOSE AND NEED:

Chestnut Ridge PSD has experienced high water loss over several years and has struggled to maintain and operate its system. The PSD is currently in arrearage to the City of Philippi for delinquency of payments for purchased water. The high percentage of non-revenue water has contributed to the PSD's inability to stay current on water purchased from Philippi. According to the 2019 PSC Annual Report, the PSD purchased 81 MG of water and sold 36 MG water which shows a non-revenue water loss of 52% for the year. Chestnut Ridge PSD has a relatively large, complex, system for the number of customers it serves which lends itself to higher-than-average operation and maintenance costs per customer, making viability difficult.

III. DESCRIPTION OF EXISTING ENVIRONMENT WITHOUT THE PROJECT:

Without project upgrades the customers of the Chestnut Ridge PSD will likely experience future rate increases as a result of the additional water loss as water lines continue to fail and non-revenue water continues to threaten the sustainability of the PSD. Additionally, customers being out of water due to main breaks or inadequate water storage will likely continue and could cause a health and safety issue as potable water along with fire protection are provided by the Chestnut Ridge PSD distribution system. Chestnut Ridge PSD must implement a water system improvements project in order to improve system operability, reduce the amount of non-revenue water, and meet current BPH and PSC standards.

IV. EVALUATION OF ALTERNATIVES:

Do Nothing- The "Do Nothing" alternative will not address the immediate needs of the PSD and will likely result in a continuation of the issues that have led the PSD to the point where they cannot afford to pay for purchased water and proper system maintenance. It is because of this that the "Do Nothing" alternative is not acceptable in this situation. Additionally, customers being out of water due to main breaks or inadequate water storage will likely continue and could

cause a health and safety issue as potable water along with fire protection are provided by the Chestnut Ridge PSD distribution system.

Water System Improvements- This alternative consists of water system improvements and would be constructed with a total of four (4) contracts. The project would consist of making improvements to the operation of the system and allow the PSD to more accurately determine if areas of their system appear to have significant leaks. Thrasher has worked with the PSD to divide their system and customers into zones and the first phase of this project will allow the PSD to use this zoning to compare water flows to the water sales in each zone and determine if further leak investigation is required. New radio read residential meters and zone metering throughout the system will be used to compare flows versus customer usage. This project would also consist of rehabilitation or replacement of the existing water storage tanks and booster pump stations as well as the installation of the new telemetering and SCADA system to improve reliability of the system. Also included in this project is a leak detection study and system evaluation. Once this is complete, areas determined to have the highest amount of water loss are also being targeted for line replacement.

V. DESCRIPTION OF EXISTING ENVIRONMENT:

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 Arts, Culture and History, dated November 1, 2021 states: "We have reviewed the revised information, and we remain in concurrence with our initial finding that the proposed project will affect no architectural properties eligible for or included in the National Register of Historic Places. Although the revised project will require some additional tree clearing, the proposed project still primarily involves rehabilitating or replacing existing infrastructure and will not substantially alter any historically significant viewsheds. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.".

   A letter from the WV Division of Arts, Culture and History, dated November 1, 2021 states: "it is unlikely that significant intact deposits will be encountered during the project's proposed ground disturbing activities. We, therefore, remain in concurrence with our prior determination that the proposed project will have no effect on archaeological historic properties. No further consultation is necessary regarding archaeological resources. However, if intact cultural materials are encountered during construction, cease all activities within the area of discovery and contact this office immediately.".

   A letter from the WV Division of Arts, Culture and History, dated November 1, 2021 states: "Submitted documentation indicates the Mt. Morris Cemetery (46-BB-118) is located approximately 600 feet southwest of the proposed Hiram Booster Pump Station. Although additional survey and research would be needed to properly evaluate the cemetery for eligibility in the National Register, it is our opinion that the proposed pump station has no potential to affect the cemetery. Therefore, we have determined that the

OTHER

proposed project will have no effect on any cemeteries eligible for or listed in the National Register. No further consultation is necessary regarding cemetery resources; however, we ask that you contact our office if your project should change.".

2. **National Historic Preservation Act of 1966** – Reference above.

3. **Clean Air Act, Pub. L. 84-159** – The Preliminary Engineering Report developed by Thrasher states that, "The proposed project will involve construction activities associated with earth moving as well as other construction equipment, all of which are a source of nitrogen oxides (NOx), volatile organic compounds (VOCs), and dust. The main source of NOx would be the exhaust from the construction equipment with the majority of the exhaust being of the diesel fuel variety. VOCs could come from re-fueling areas, asphalt paving, or painting as the construction activities progress. Dust could be a factor during the initial trenching and/or grading stages of construction. The amount of ground level ozone created is dependent upon the amount of reactants available. Sunlight and heat are also contributing factors to ozone as well as air patterns. As these construction activities will be temporary in nature, they are not expected to contribute long term cumulative impacts to greenhouse gas emissions, or the current attainment of air quality standards as defined by the United States Environmental Protection Agency.'.

4. **Endangered Species Act** – A letter from the United States Department of the Interior, Fish and Wildlife Service regarding Chestnut Ridge PSD Waterline Upgrade Project, dated April 16, 2020, states, "The U.S. Fish and Wildlife Service (Service) has determined that three federally listed species could occur in the project area: the endangered Indiana bat (Myotis sodalis) and running buffalo clover (Trifolium stoloniferum) and the threatened northern long-eared bat (Myotis septentrionalis).".

   The letter further states: "The Service does not anticipate that this project is likely to adversely affect 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 described above; 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 northern long-eared bat may occur within the range of the proposed project and may be affected by the proposed construction and operation of this project. Any take of northern long-eared bat occurring in conjunction with these activities that complies with the conservation measures (as outlined in the 4(d) rule), as necessary, is exempted from ESA Section 9 prohibitions by the 4(d) rule and does not require site specific incidental take authorization. Note that the 4(d) rule does not exempt take that may occur as a result of adverse effects to hibernacula and that no conservation measures are required as part of the 4(d) rule unless the proposed project: 1) involves tree removal within 0.25 miles of known northern long-eared bat hibernacula; or 2) cuts or destroys known, occupied maternity roost trees or any other trees within a 150-foot radius around known, occupied maternity tree during the pup season (June 1 to July 31). This proposed project is not located within any of these radii around known hibernacula or roost trees and will not affect any known northern long-eared bat hibernacula, therefore any take of northern

long-eared bat associated with this project is exempted under the 4(d) rule and no conservation measures are needed.".

Regarding the running buffalo clover the letter states "Running buffalo clover is known to occur in Barbour County. Based on site photos and descriptions, it is unlikely that suitable habitat is present within the project area. The waterline will be placed within West Virginia Division of Highways right-of-ways that are mowed regularly. The surrounding land is composed of dense forest, farmland, and maintained lawns. The booster pumps and water storage tanks are primarily located within pre-disturbed agricultural areas, and most of the sites will involve little to no groundbreaking and/or occur within the footprint of the old water storage tank or booster pump. Because of the limited groundbreaking and the lack of suitable habitat within the project area, the Service has determined that the project may affect, but is not likely to adversely affect running buffalo clover.".

5. **Protection of Wetlands** – A report from the engineer states that there are no wetlands or coastal areas in the Project area.

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 August 28, 2018 – states that "A segment of the Bluestone River in Summers County is the only river holding Wild and Scenic designation in the State."

8. **Farmland Protection Policy** – A letter from the Natural Resources Conservation Service dated March 29, 2022 states that "Based on a review of the submitted documents, aerial photography, and the soil survey mapping it is determined that this project does not impact prime or other important farmland, and is therefore not subject to Farmland Protection Policy Act.".

9. **Flood Plain Management** –As stated by the project engineer, "Portions of the water line replacements may fall within a 100-year flood plain boundary. However, the new water line will be buried and the limits of disturbance will be returned to pre-construction contours. No electric controls or equipment associated with above ground components will be installed below the 100-year plus 3 feet floodplain elevations.'.

10. **Safe Drinking Water Act** – This project was approved by the West Virginia Infrastructure and Jobs Development Council (approved March 6, 2020) and received a Bureau for Public Health construction permit (#20,835) on 2/24/2022.

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. This project has no impact on environmental justice.

12. **Lead Paint Abatement** – According to the project engineer paint samples from the tanks that are to be repainted were taken for testing and information purposes. The engineer anticipates there being lead paint and the specifications for the project reflect

OTHER

this and make the contractor aware they are responsible for testing and taking the necessary actions in regards to lead paint abatement.

VI. CLIMATE CHANGE/ENERGY EFFICIENCY

A greenhouse gases evaluation was conducted for this project. This evaluation concluded that there will be a decrease of approximately 26,000 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 28% to 15%. An energy efficiency evaluation was conducted as part of the review and is available upon request.

VII. ENVIRONMENTAL CONSEQUENCES:

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:

Mitigation measures have been outlined for bat habitat and air quality disturbances 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 :

A public meeting took place for this project, on February 4, 2020 at 5:00PM. The PSD Meetings are held at the PSD office, are open to the public, and allow for public comment and discussion to occur if desired. The public notice, the agenda, and the sign in sheet are available for review on request.

X. DOCUMENTATION:

References used to complete this Environmental Assessment are noted in **Section V**.

OTHER

Statutory Checklist

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

Project Sponsor: Chestnut Ridge PSD **Phone:** (304) 457-4935

Address: 20 Columbia Street, Philippi , WV 26416

Public Water System: Chestnut Ridge PSD **County:** Barbour

Project: Water System Improvements Project

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	During Construction Period	Contract Documents
Coastal Barrier Resources Act								NA
Coastal Zone Management								NA
Endangered Species Act	X			X	X		Do not disturb bat habitat during construction	US Fish & Wildlife, WVDNR
Protection of Wetlands		X	X			X		Engineer's Statement
Fish and Wildlife Coordination Act		X	X			X	NA	US Fish & Wildlife
Wild & Scenic Rivers Act		X	X			X	NA	WVDNR
Farmland Protection Policy		X	X				NA	NRCS
Floodplain Management		X	X			X		Engineer's Statement
Safe Drinking Water Act		X	X			X	NA	WVBPH
Environmental Justice		X	X			X	NA	WVBPH
Lead Paint Abatement on Water Tanks	X		X		X		During Construction Period	Contract Documents

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

Signature: Stephanie Hickerson **Date:** 4/5/2022 **Telephone:** 304-352-5010

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