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Administrative Law Division

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

Agriculture

Air Quality

Bureau for Public Health, Office of Environmental Health Svcs.

Health

Health Care Authority

Insurance Commission

Lottery Commission

Medicine, WV Board of

Parole Board

Racing Commission

Secretary of State

Tax Department

Veterinary Medicine

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RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Agriculture (61-02)	WV Apiary Law Legislative	§§19-13-3, 19-19-4	Written Comments Only July 2, 2022, 12:00 pm Jodee Martin WV Dept. of Agriculture 1900 Kanawha Boulevard, East Charleston, WV 25305 rulescomments@wvda.us
Agriculture (61-31)	Livestock Care Standards Legislative	§19-1C-4(c)	Written Comments Only July 2, 2022, 12:00 pm Jodee Martin WV Dept. of Agriculture 1900 Kanawha Boulevard, East Charleston, WV 25305 rulescomments@wvda.us
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	§22-5-4	Public Hearing: July 5, 2022, 6:00 pm Virtual. Register by 5:00 pm 7/5/2022 by Calling (304) 926-0475 Written Comments: July 5, 2022, 5:00 pm Sandra Adkins WV DEP, DAQ 601 57th Street, SE Charleston, WV 25304 laura.m.jennings@wv.gov
Air Quality (45-22)	Air Quality Management Fee Program Legislative	§22-5-4	Public Hearing: July 5, 2022, 6:00 pm Virtual. Register by 5:00 pm 7/5/2022 by Calling (304) 926-0475 Written Comments: July 5, 2022, 5:00 pm Sandra Adkins WV DEP, DAQ 601 57th Street, SE Charleston, WV 25304 laura.m.jennings@wv.gov

Air Quality (45-30)	Requirements for Operating Permits Legislative	§22-5-4	Public Hearing: July 5, 2022, 6:00 pm Virtual. Register by 5:00 pm 7/5/2022 by Calling (304) 926-0475 Written Comments: July 5, 2022, 5:00 pm Sandra Adkins WV DEP, DAQ 601 57th Street, SE Charleston, WV 25304 laura.m.jennings@wv.gov
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	§22-5-4	Public Hearing: July 5, 2022, 6:00 pm Virtual. Register by 5:00 pm 7/5/2022 by Calling (304) 926-0475 Written Comments: July 5, 2022, 5:00 pm Sandra Adkins WV DEP, DAQ 601 57th Street, SE Charleston, WV 25304 laura.m.jennings@wv.gov
Air Quality (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	§22-5-4	Public Hearing: July 5, 2022, 6:00 pm Virtual. Register by 5:00 pm 7/5/2022 by Calling (304) 926-0475 Written Comments: July 5, 2022, 5:00 pm Sandra Adkins WV DEP, DAQ 601 57th Street, SE Charleston, WV 25304 laura.m.jennings@wv.gov
Insurance Commission (114-11B)	Suitability in Annuity Transactions Legislative	§§33-2-10, 33-11-6	Written Comments Only July 5, 2022, 5:00 pm Erin K. Hunter 900 Pennsylvania Ave., 9th Floor Charleston, WV 25302 erin.k.hunter@wv.gov

Lottery Commission (179-09)	West Virginia Lottery Sports Wagering Rule Legislative	§§29-22D-4(c), 29-22A-1, et seq., 29A-3-15	Written Comments Only July 3, 2022, 5:00 pm W. Brian Nickerson 900 Pennsylvania Ave. Charleston, WV 25302 bnickerson@wvlottery.com
Secretary of State (153-22)	Filing Procedures for Political Party Executive Committee Membership Lists Procedural	§§3-1-9(g), 29A-3-3	Written Comments Only July 5, 2022, 9:00 am Donald Kersey State Capitol, Bldg. 1, Ste. 157-K Charleston, WV 25305 dkersey@wvsos.com

EMERGENCY RULES FILED THIS WEEK				
AGENCY	**RULE/TYPE**	**AUTHORITY**	**EFFECTIVE DATE**	**DATE NOTICE OF HEARING**
Secretary of State (153-54)	Administrative Procedures for the Nonpublic Funding for Election Administration Fund	§3-1A-9(f)	ERD by July 14, 2022	Must be put out for public comment by July 2, 2022

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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
TITLE	81	STATE POLICE
TITLE	87	FIRE COMMISSION
TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
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TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
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TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR									
AGENCY/SERIES NUMBER	**RULE**	**NOTICE**	**HEARING**	**EMER RULE**	**AGENCY APPROVED**	**LRMRC/LOCEA ACTION**	**LEGIS**	**FINAL FILE**	**EFFECTIVE**
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/12/2022	7/1/2022						
Agriculture (61-02)	WV Apiary Law Legislative	6/2/2022	7/2/2022						
Agriculture (61-08B)	Schedule of Charges for Inspection Services: Fruit Legislative	4/12/2022	5/11/2022		5/12/2022				
Agriculture (61-14A)	Rules Dealing with Noxious Weeds Legislative	3/30/2022 Hearing Notice 5/5/2022	4/29/2022 Hearing Date 6/9/2022						
Agriculture (61-31)	Livestock Care Standards Legislative	6/2/2022	7/2/2022						
Agriculture (61-36)	Farm to Food Bank Tax Credit Legislative	4/18/2022	5/18/2022		5/18/2022				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/1/2022	7/5/2022						
Air Quality (45-22)	Air Quality Management Fee Program Legislative	6/1/2022	7/5/2022						
Air Quality (45-30)	Requirements for Operating Permits Legislative	6/1/2022	7/5/2022						
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/1/2022	7/5/2022						
Air Quallity (45-40)	Control of Ozone Season Nitrogen Oxides Emissions Legislative	6/1/2022	7/5/2022						
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/4/2022	8/1/2022
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						
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
Conservation Agency (63-01)	Operation of WV State Conservation Committee and Conservation Districts Legislative	5/2/2022	6/16/2022						
Conservation Agency (63-04)	Conservation District Accounting and Auditing Standards Legislative	5/2/2022	6/16/2022						
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		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/5/2022	8/1/2022
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	5/3/2022	7/1/2022
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	5/2/2022	7/1/2022
Dentistry (5-03)	Fees Established by The Board Legislative							5/9/2022	8/7/2022
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	5/2/2022	7/1/2022
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	5/2/2022	7/1/2022
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	5/2/2022	7/1/2022
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	5/3/2022	7/1/2022
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	5/3/2022	7/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Education (126-004)	Rules of Procedure for Administrative Hearings and Appeals (Policy 1340) Legislative Exempt	3/9/2022	4/11/2022					5/12/2022	6/13/2022
Education (126-014)	WV Measure of Academic Progress (Policy 2340) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-016)	Regulations for the Education of Students with Exceptionalities (Policy 2419) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-026)	Participation in Extracurricular Activities (Policy 2436.10) Legislative Exempt	5/12/2022	6/13/2022						
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
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 (126-067)	Comprehensive School Counseling Model (Policy 2315) Legislative Exempt	4/14/2022	5/16/2022						
Education (126-094)	Procedures for the Collection, Maintenance, and Disclosure of Student Data (Policy 4350) Legislative Exempt	3/9/2022	4/11/2022					5/12/2022	6/13/2022
Education (126-149)	Professional Learning for WV Educators (Policy 5500) Legislative Exempt	4/14/2022	5/16/2022						
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						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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	5/5/2022	8/1/2022
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	5/5/2022	8/1/2022
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	5/5/2022	8/1/2022
Fire Commission (87-11)	Specialized Membership Legislative	6/22/2021	7/23/2021		7/30/2021	Approved 9/12/2021	Bundled HB4141	5/5/2022	8/1/2022
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	5/5/2022	8/1/2022
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	5/5/2022	8/1/2022
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	5/5/2022	8/1/2022
Health (64-26)	Procedures Pertaining to the Dangerousness Assessment Advisory Board Legislative	2/4/2022 5/11/2022	3/7/2022 6/10/2022	2/4/2022 Approved 2/4/2022	3/8/2022				
Insurance Comm. (114-11B)	Suitability in Annuity Transactions Legislative	6/2/2022	7/5/2022						
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	6/2/2022	7/5/2022						
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	6/2/2022	7/1/2022

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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		
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	4/14/2022	7/1/2022
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	4/14/2022	7/1/2022
Lottery Comm. (179-09)	WV Lottery Sports Wagering Rule Legislative	6/2/2022	7/3/2022						
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	5/9/2022	7/1/2022
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	5/9/2022	6/1/2022
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		5/26/2022				
Parole Board (92-01)	Procedural Rules of the WV Parole Board Eligibility, Decisions and Discharge Procedural	3/16/2022	4/15/2022					6/1/2022	7/1/2022
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

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-19)	Inspections Legislative	2/3/2022	3/7/2022	1/6/2022 Approved 1/7/2022	4/4/2022				
Professional Engineers (7-01)	Examination, Licensure and Practice of Professional Engineers Legislative						Bundled SB334	5/5/2022	8/1/2022
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	5/27/2022	8/27/2022
Registered Professional Nurses (19-03)	Requirements for Registration and Licensure and Conduct Constituting Professional Misconduct Legislative	5/18/2022	6/16/2022						
Registered Professional Nurses (19-07)	Advanced Practice Registered Nurse Licensure Requirements Legislative	5/16/2022	6/15/2022						
Registered Professional Nurses (19-08)	Limited Prescriptive Authority in Nurses in Advanced Practice Legislative	5/16/2022	6/15/2022						
Registered Professional Nurses (19-11)	Continuing Education and Competence Legislative	5/17/2022	6/15/2022						
Registered Professional Nurses (19-12)	Fees for Services Rendered by the Board Legislative	5/17/2022	6/16/2022						
Registered Professional Nurses (19-14)	Practitioner Requirements for Accessing the WV Controlled Substances Monitoring Program Database Legislative	5/16/2022	6/15/2022						
Registered Professional Nurses (19-16)	Telehealth Practice; Requirements; Definitions Legislative	5/16/2022	6/15/2022						
Secondary School Activities Comm. (127-01)	Constitution Legislative Exempt	5/12/2022	6/13/2022						
Secondary School Activities Comm. (127-02)	Athletics, Provisions Governing Eligibility Legislative Exempt	5/12/2022	6/13/2022						
Secondary School Activities Comm. (127-03)	Provisions Governing Contests Legislative Exempt	5/12/2022	6/13/2022						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secondary School Activities Comm. (127-05)	Band and Other Activities Legislative Exempt	5/12/2022	6/13/2022						
Secretary of State (153-22)	Filing Procedures for Political Party Executive Committee Membership Lists Procedural	6/2/2022	7/5/2022						
Secretary of State (153-53)	Election Processes and Absentee Eligibility During State of Emergency			3/20/2020 Effective 3/20/2020					
Secretary of State (153-54)	Administrative Procedures for the Nonpublic Funding for Election Administration Fund Legislative			6/2/2022 ERD by 7/14/2022					
Senior Services (76-04)	WV State Plan for Aging Programs Interpretive	3/14/2022	4/13/2022					4/14/2022	10/1/2022
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	4/28/2022	7/1/2022
Social Work Examiners (25-03)	Fee Schedule Legislative						Bundled SB334	4/28/2022	7/1/2022
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	4/28/2022	7/1/2022
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 (110-24)	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		
Treasurer (112-15)	WV College & Jumpstart Savings Programs Bd of Trustees Bylaws Procedural	4/4/2022	5/4/2022					5/19/2022	6/20/2022
Treasurer (112-18)	Hope Scholarship Program Legislative	2/9/2022	3/11/2022	2/9/2022 Effective 3/23/2022 Admendment 4/22/2022 Effective 6/3/2022	4/21/2022				
Treasurer (112-20)	Jumpstart Savings Program Legislative	5/19/2022	6/20/2022	5/20/2022 ERD by 7/1/2022					
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 8/1/2023	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	5/4/2022	7/1/2022
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
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		4/8/2022	6/5/2022
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		4/8/2022	6/5/2022
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 Technical Amendment Filed 8/1/2022	3/31/2021	3/31/2021	Approved 8/19/2021	Bundled SB312		
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				

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
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	5/27/2022	7/31/2022
Risk and Insurance Management 115-07	Patient Injury Compensation Fund 5/1/2022	4/21/2021					
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				
Tax 110-42	Personnel Rule for the Tax Division 8/1/2023	3/10/2022	3/25/2022				

WEST VIRGINIA SECRETARY OF STATE
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6/2/2022 3:09:54 PM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture
TITLE-SERIES: 61-02
RULE TYPE: Legislative
Amendment to Existing Rule: Yes
Repeal of existing rule: No
RULE NAME: WV Apiary Law
CITE STATUTORY AUTHORITY: §19-13-3, §19-19-4
COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/02/2022 12:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: Jodee Martin
ADDRESS: WV Dept. of Agriculture
1900 Kanawha Boulevard, East
EMAIL: rulescomments@wvda.us

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)

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6/2/2022 3:27:28 PM
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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Agriculture
TITLE-SERIES: 61-31
RULE TYPE: Legislative
Amendment to Existing Rule: Yes
Repeal of existing rule: No
RULE NAME: Livestock Care Standards
CITE STATUTORY AUTHORITY: §19-1C-4(c)
COMMENTS LIMITED TO:
Written

DATE OF PUBLIC HEARING:
LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/02/2022 12:00 PM
COMMENTS MAY BE MAILED OR EMAILED TO:
NAME: Jodee Martin
ADDRESS: WV Dept. of Agriculture
1900 Kanawha Boulevard, East
EMAIL: rulescomments@wvda.us

PLEASE INDICATE IF THIS FILING INCLUDES:
RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

INCORPORATED BY REFERENCE: Yes
(IF YES, PLEASE UPLOAD IN THE SUPPORTING DOCUMENTS FIELD)

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6/1/2022 10:35:02 AM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

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

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/05/2022 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Register by 5:00pm 7/5/22 at https://forms.gle/DKdxExuwnr1cQ53v6 or by calling Sandie Adkins or Stephanie Hammonds at (304)926-0475.

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sandra Adkins

ADDRESS: WV Department of Environmental Protection, DAQ

601 57th Street, SE Charleston WV 25304

EMAIL: laura.m.jennings@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: Yes

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

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6/1/2022 10:39:54 AM
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Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-22

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

RULE NAME: Air Quality Management Fee Program

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

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/05/2022 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Register by 5:00pm 7/5/22 at https://forms.gle/DKdxExuwnr1cQ53v6 or by calling Sandie Adkins or Stephanie Hammonds at (304)926-0475.

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sandra Adkins

ADDRESS: WV Department of Environmental Protection, DAQ

601 57th Street, SE Charleston WV 25304

EMAIL: laura.m.jennings@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)

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6/1/2022 10:56:51 AM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-30

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

RULE NAME: Requirements for Operating Permits

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

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/05/2022 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Register by 5:00pm 7/5/22 at https://forms.gle/DKdxExuwnr1cQ53v6 or by calling Sandie Adkins or Stephanie Hammonds at (304)926-0475.

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sandra Adkins

ADDRESS: WV Department of Environmental Protection, DAQ

601 57th Street, SE Charleston WV 25304

EMAIL: laura.m.jennings@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: No

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6/1/2022 10:59:36 AM
Office of West Virginia
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NOTICE OF PUBLIC COMMENT PERIOD

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

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/05/2022 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Register by 5:00pm 7/5/22 at https://forms.gle/DKdxExuwnr1cQ53v6 or by calling Sandie Adkins or Stephanie Hammonds at (304)926-0475.

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sandra Adkins

ADDRESS: WV Department of Environmental Protection, DAQ

601 57th Street, SE Charleston WV 25304

EMAIL: laura.m.jennings@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: Yes

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6/1/2022 11:02:42 AM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Air Quality TITLE-SERIES: 45-40

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

RULE NAME: Control of Ozone Season Nitrogen Oxides Emissions

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

COMMENTS LIMITED TO:

Oral and Written

DATE OF PUBLIC HEARING: 07/05/2022 6:00 PM

LOCATION OF PUBLIC HEARING:

Virtual. Register by 5:00pm 7/5/22 at https://forms.gle/DKdxExuwnr1cQ53v6 or by calling Sandie Adkins or Stephanie Hammonds at (304)926-0475.

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Sandra Adkins

ADDRESS: WV Department of Environmental Protection, DAQ

601 57th Street, SE Charleston WV 25304

EMAIL: laura.m.jennings@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: Yes

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

INCORPORATED BY REFERENCE: No

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

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6/2/2022 1:32 PM
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NOTICE OF TECHNICAL AMENDMENT

AGENCY: Health TITLE-SERIES: 64-07

RULE TYPE: Legislative

RULE NAME: REPORTABLE DISEASES, EVENTS AND CONDITIONS

CITE STATUTORY AUTHORITY: 16-3-1

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

At paragraph 3.5.d.7. SARS-CoV-2 is added and the remaining paragraphs renumbered; and
At paragraph 3.6.d.14. Streptococcus, Group B, from a normally sterile site is deleted and the remaining paragraphs renumbered.

FILING DATE: 06/02/2022 EFFECTIVE DATE: 06/02/2022

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

TECHNICAL AMENDMENT TO AN EXISTING RULE

AGENCY: Department of Health and Human Resources TITLE/SERIES: 64-7

LEGISLATIVE

RULE TYPE: Legislative

RULE NAME: Reportable Diseases, Events, and Conditions

FILING DATE OF AMENDMENT: June 2, 2022

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE NATURE OF THE TECHNICAL CHANGES THAT NEED TO BE MADE IN THIS RULE:

Pursuant to the authority of W. Va. Code §16-3-1 and W. Va. Code R. §64-7-3.1.a., the Commissioner of the Bureau for Public Health as the State Health Officer may, by Order filed with the Secretary of State, add or delete a disease or condition in any category that is required to be reported in order to obstruct and prevent the introduction or spread of communicable or infectious diseases into or with the state.

That certain Order of the Commissioner filed on May 2, 2022, remains in effect and is further refined by Order of the Commissioner filed contemporaneously with this Technical Amendment to reflect the current guidance regarding reporting by laboratories.

LIST WITH DETAIL EACH SPECIFIC CHANGE MADE TO THE RULE AND WHERE IT CAN BE FOUND:

At paragraph 3.5.d.7."SARS-CoV-2" is added as a Category III.B. disease by Order of the Commissioner filed June 2, 2022, and the remaining paragraphs in subdivision 3.5.d. are renumbered; and

At paragraph 3.6.d.14. "Streptococcus, Group B, from a normally sterile site" is deleted by Order of the Commissioner filed June 2, 2022, and the remaining paragraphs in subdivision 3.6.d. are renumbered.

Authorized Signature

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Commissioner's Office

Bill J. Crouch
Cabinet Secretary

Ayne Amjad, MD, MPH
Commissioner & State Health Officer

ORDER

In accordance with the provisions of W. Va. Code §16-3-1 and W. Va. Code R. §64-7-3.1.a., the Commissioner of the Bureau for Public Health (BPH) and State Health Officer does hereby Order the following technical amendments to the Reportable Diseases, Events and Conditions Legislative Rule.

Category III.B.

§64-7-3.5.d.7.

ADD: SARS-CoV-2

Rationale: On April 4, 2022, the U.S. Department of Health and Human Services revised COVID-19 laboratory reporting guidance that reduces burden on clinical laboratories, point-of-care testing sites, and facilities. The revised guidance replaces a blanket requirement to report all SARS-CoV-2 test results. The updated guidance reflects more tailored reporting required that is specified by entity and type of testing. To support streamlined reporting and in accordance with the provisions §64-7, the Commissioner does hereby ORDER as follows:

1. No longer require reporting of NEGATIVE results for non-NAAT tests (e.g., rapid, or antigen test results).
2. No longer require reporting of POSITIVE or NEGATIVE results of COVID-19 antibody tests performed.
3. Home tests are not required to be reported.
4. State-sponsored surveillance screening programs are excluded from reporting POSITIVE non-NAAT tests when a confirmatory NAAT test is completed on the same day for any positive non-NAAT tests.

Category IV.B.

§64-7-3.6.d.14.

DELETE: *Streptococcus*, Group B, from a normally sterile site

Rationale: Group B streptococcal disease (GBS) is the leading bacterial infection associated with newborns in the United States. GBS is transmitted from colonized

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women to their infants prior to or during birth. In 2002, the Centers for Disease Control and Prevention (CDC) developed revised guidelines to recommend universal screening to all pregnant women to prevent GBS in infants. Because of the universal screening, women are treated to prevent transmission of GBS to their infant there is no public health action for education and disease prevention. An outbreak of GBS remains a Category I disease, which allows for timely reporting and public health response.

This filing with the Secretary of State includes explanation and background from the State Health Officer and State Epidemiologist needed for these technical amendments.

This order shall take effect immediately upon the date of filing and shall be incorporated as an Appendix to the Rule until such time as the Legislature enacts a revision to the rule, which will incorporate all additions and deletions that have been filed with the Secretary of State since the last Legislative amendment.

Entered: JUN - 2 2022

By: Ayne Amjad
Ayne Amjad, MD, MPH
Commissioner and State Health Officer

LEGISLATIVE

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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6/2/2022 9:24:58 AM
Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-11B

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

RULE NAME: SUITABILITY IN ANNUITY TRANSACTIONS

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10 and 33-11-6

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Erin K. Hunter

ADDRESS: 900 Pennsylvania Ave, 9th Floor

EMAIL: erin.k.hunter@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
6/2/2022 9:41:22 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: Insurance Commission TITLE-SERIES: 114-99

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

RULE NAME: PHARMACY AUDITING ENTITIES AND PHARMACY BENEFIT MANAGERS

CITE STATUTORY AUTHORITY: W. Va. Code §§33-51-8, 33-51-9, 33-51-10, 33-51-12, and 33-2-10

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

Authorization is cited in (house or senate bill number) House Bill 2263 (2021)

Section W. Va. Code §§ 33-51-8, 33-51-9, 33-51-10, and 33-51-12 Passed On 3/30/2021 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

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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6/2/2022 12:24:02 PM
Office of West Virginia Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Insurance Commission TITLE-SERIES: 114-99

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

RULE NAME: PHARMACY AUDITING ENTITIES AND PHARMACY BENEFIT MANAGERS

CITE STATUTORY AUTHORITY: W. Va. Code §§33-51-8, 33-51-9, 33-51-10, 33-51-12 and 33-2-10.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 5:00 p.m.

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Michael Malone

ADDRESS: 900 Pennsylvania Ave, 8th Floor

Charleston, WV 25302

EMAIL: michael.n.malone@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

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WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Lottery Commission TITLE-SERIES: 179-09

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

RULE NAME: West Virginia Lottery Sports Wagering Rule

CITE STATUTORY AUTHORITY: W. Va. Code 29-22D-4(c), 29-22A-1, et seq., and 29A-3-15

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/03/2022 5 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: W. Brian Nickerson

ADDRESS: 900 Pennsylvania Avenue

900 Pennsylvania Avenue

EMAIL: bnickerson@wvlottery.com

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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INCORPORATED BY REFERENCE: No

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

AGENCY: Racing Commission TITLE-SERIES: 178-01

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

RULE NAME: Thoroughbred Racing

CITE STATUTORY AUTHORITY: W. Va. Code §§19-23-2(a), 19-23-3(17), 19-23-6, 19-23-8, 19-23-9, 19-23-13, 19-23-13b and 19-23-15.

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

Authorization is cited in (house or senate bill number) SB 312

Section 64-7-4(a) 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:

August 27, 2022

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

August 01, 2032

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
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LEGISLATIVE

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

AGENCY: Racing Commission TITLE-SERIES: 178-05

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

RULE NAME: Pari-Mutuel Wagering

CITE STATUTORY AUTHORITY: WV Code 19-23-6

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

Authorization is cited in (house or senate bill number) SB 312

Section 64-7-4(b) 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 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
Allen R Prunty -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

5509 Big Tyler Road, Suite 3
Cross Lanes, WV 25313
Phone (304) 776-8032
Fax (304) 776-8256
www.wvbvm.org

WEST VIRGINIA
BOARD OF VETERINARY MEDICINE

FILED
2022 JUN -2 A 10:51
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

June 1, 2022

Via Certified Mail
Mac Warner, The Honorable Secretary of State
Secretary of State's Office -- Administrative Law
Bldg.1, Suite 157-K
1900 Kanawha Blvd. E.
Charleston, WV 25305

Re: West Virginia Board of Veterinary Medicine
Recission of Temporary Suspension of W. Va. Code § 26-4-5.1.c.1

Dear Secretary of State Warner:

On March 16, 2020, The Honorable Governor of the State of West Virginia, Jim Justice, issued a Proclamation in which he declared a State of Emergency to address the emergency created by the worldwide coronavirus (COVID-19) pandemic. In the Proclamation, the Governor delegated to "all state agencies the ability to suspend rules, if strict compliance therewith would in any way prevent, hinder or delay necessary action in coping with the emergency."

In response to the Governor's Proclamation, on March 20, 2020, the West Virginia Board of Veterinary Medicine ("Board") held an emergency meeting in which it voted to temporarily suspend its rule requiring an in-person, physical examination of an animal prior to treatment as set forth in W. Va. Code R. § 26-4-5.1.c.1. Thereafter, also on March 20, 2020, the Board drafted correspondence to The Honorable Secretary of State, Mac Warner, which was filed with the Secretary of State's Office on April 2, 2020, in which the Board notified Secretary of State Warner of the Board's decision.

In its March 20, 2020 correspondence, the Board noted that the suspension of W, Va. Code R. § 26-4-5.1.c.1 would remain in effect only during the State of Emergency. The Board further stated "during the State of Emergency, a veterinarian licensed in West Virginia may employ telemedicine, when possible and practicable, to examine, diagnose, and treat an animal and to discuss the same with the animal's owner." Accordingly, the Board found it necessary and appropriate to temporarily lift the restrictions on the use of telemedicine due to the pandemic.

Pursuant to W. Va. Code § 30-10-24, effective June 8, 2022, West Virginia licensed or registered veterinarians will be permitted to practice telehealth as set forth therein. Accordingly, the Board respectfully requests that the Secretary of State's Office accept this correspondence as notice of the recission of the temporary suspension of W. Va. Code § 26-4-5.1.c.1 and post a copy of this correspondence on its website.

Should you have any questions regarding this correspondence, please contact the Board's office by telephone, (304) 776-8032, or by email, patricia.a.holstein@wv.gov.

Sincerely,

Patricia Holstein
Executive Director

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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Office of West Virginia
Secretary Of State

PROCEDURAL

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

AGENCY: Parole Board TITLE-SERIES: 92-01

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

RULE NAME: Procedural Rules of the West Virginia Parole Board Eligibility, Decisions and Discharge

CITE STATUTORY AUTHORITY: W. Va. 62-12-13(g)

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

Brandolyn N Felton-Ernest -- 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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Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Secretary Of State TITLE-SERIES: 153-22

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

RULE NAME: FILING PROCEDURES FOR POLITICAL PARTY EXECUTIVE COMMITTEE MEMBERSHIP LISTS

CITE STATUTORY AUTHORITY: W. Va. Code §§ 3-1-9(g) and 29A-3-3

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 07/05/2022 9:00 AM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: Donald Kersey

ADDRESS: State Capitol, Bldg. 1, Ste. 157-K

EMAIL: dkersey@wvsos.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

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MAC WARNER
ADMINISTRATIVE LAW DIVISION

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Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Secretary Of State TITLE-SERIES: 153-54

RULE TYPE: Legislative Amendment to Existing Rule: No

RULE NAME: ADMINISTRATIVE PROCEDURES FOR THE NONPUBLIC FUNDING FOR ELECTION ADMINISTRATION FUND

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

W. Va. Code 3-1A-9(f)

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

W. Va. Code 3-1A-9 (HB 4097; eff. June 10, 2022)

PRIMARY CONTACT:

NAME: Donald Kersey

ADDRESS: State Capitol Bldg 1 Ste 157 K

EMAIL: dkersey@wvsos.gov

PHONE NUMBER: 130-455-8600 0

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY THE SECRETARY OF STATE OR THE 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST. THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Orders Report

Docket Number	Agency	Respondent	Date Rendered
21-1C-02243	Insurance Commission	US Silica Company	6/1/2022
21-45-W	Medicine, West Virginia Board Of	James Rodney Bailes, Jr., MD	5/26/2022

WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2022-14	The General Counsel for a State Board asks whether she may assist the Board in selecting a lawyer or law firm to provide outside legal counsel services when the Requester's spouse is a member in a law firm that may apply to provide outside legal services.
2022-15	A County Board of Education Member-Elect asks whether he may continue to be an unpaid volunteer coach for a public school in the same county where he will serve as a Board of Education member and whether being an unpaid volunteer coach constitutes employment.

WEST VIRGINIA ETHICS COMMISSION'S COMMITTEE FOR SCHOOL BOARD ADVISORY OPINIONS	
NO.	**OPINION SOUGHT**
2022-01	A County Board of Education Member-Elect asks whether being an unpaid volunteer coach for a public school in the same county where he will serve as a Board of Education member is prohibited employment per W. Va. Code §18-5-1a(a)(2).

Public Notice

west virginia dep department of environmental protection

Public Notice

West Virginia Department of Environmental Protection
Division of Air Quality

Comment Period Opens: June 3, 2022
Comment Period Closes: July 5, 2022

Publication: Charleston Newspapers and West Virginia State Register
Publication Date: June 3, 2022

Type of Notice: Public Comment Period and Public Hearing

Location: Statewide

Proposed Activity: DAQ 2023 Legislative Rules
Project Description: The DAQ proposed 2023 legislative rules include:

45CSR16 (Standards of Performance for New Stationary Sources)
45CSR22 (Air Quality Management Fee Program)
45CSR30 (Requirements for Operating Permits)
45CSR34 (Emission Standards for Hazardous Air Pollutants)
45CSR40 (Control of Ozone Season Nitrogen Oxides Emissions)

Upon authorization and promulgation of the final rules, 45CSR16, 45CSR30, and 45CSR34 will be submitted to the United States Environmental Protection Agency (EPA) to fulfill federal obligations under the Clean Air Act (CAA), including delegations and authorizations. Upon authorization and promulgation, 45CSR40 will be submitted to EPA for approval as a revision to the State Implementation Plan (SIP) pursuant to the federal CAA. Upon authorization and promulgation, 45CSR22 will be a state only rule, with no further action.

The proposed rules are available at:
- the Secretary of State's website at http://apps.sos.wv.gov/adlaw/csr/,
- the DEP website at http://www.dep.wv.gov/pio/Pages/Rules.aspx, or
- the DAQ website at https://dep.wv.gov/daq/publicnoticeandcomment/Pages/default.aspx.

OTHER

- If you do not have internet capability, please contact DAQ for alternatives.

Point of Contact: Laura Jennings (laura.m.jennings@wv.gov or 304-926-0475)

The DEP is holding the public hearing virtually. Instructions for participating and providing verbal comments are provided below. Both verbal and written comments will be made part of the official rulemaking record.

Written comments may be submitted at any time during the public comment period as instructed below. Written comments must be received by 5:00 pm on July 5. Written comments received after 5:00 pm on July 5 will not be accepted.

Written Comments:
- E-mail written comments to Laura.M.Jennings@wv.gov with "Proposed DAQ 2023 Rule Comments" in the subject line, or
- Mail hard copy comments to the attention of Sandra Adkins at the WV Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304.

Public Hearing: July 5, 2022 at 6:00 p.m.

The purpose of the public hearing is to receive comments concerning the proposed DAQ 2023 legislative rules identified above. A Response to Comments document will be prepared as part of the rulemaking process. A separate hearing will be held for each of the proposed rules. The hearings will be held sequentially and will commence immediately following the conclusion of the hearing for the previous proposed rule.

To participate online or by telephone, registration is required by 5:00 p.m. on Tuesday, July 5, 2022. To register, please complete the participant registration form at https://forms.gle/DKdxExuwnr1cQ53v6. To register to speak, please indicate "yes" you want to provide verbal comments on the record when you register with the previously provided link. A confirmation e-mail will be sent with information on how to join the public hearing. If you do not have internet access and want to register, please contact Sandie Adkins or Stephanie Hammonds at (304) 926-0475. Registration for the online hearing is required to fulfill the state's obligation under federal air quality regulations to document the list of participants.

If you wish to speak at the public hearing, verbal testimony is limited to 5 minutes for each witness. If participating virtually, video demonstrations and screen sharing by witnesses is not permitted.

FILED
WV SECRETARY OF STATE
JUNE 02, 2022 12:37 PM

Bureau for Public Health
Office of Environmental Health Services
2022-2023 Intended Use Plan Review
For the Drinking Water Treatment Revolving Fund
Notice of Public Meeting and Public Comment Period

The Bureau for Public Health, Office of Environmental Health Services, will hold a public meeting on July 1,2022 from 3:00 p.m. to 4:00 p.m. to accept written or oral comments on the proposed July 1,2022 through June 30,2023 Draft Intended Use Plan (IUP) for the West Virginia Drinking Water State Revolving Fund program, including the construction loan fund. The meeting will be held at the West Virginia Bureau for Public Health, Environmental Engineering Division, 350 Capitol Street, Room 345, Charleston, WV and is open to the public. A virtual public meeting option is also provided below at the same date and time.

Google Meet Link: https://meet.google.com/qqd-bhqm-hfw?hs=224
Telephone Conference: (US) +1 234-719-4037 (PIN: 439344826)

A copy of the proposed IUP will be available for public review on or before June 3,2022 at the following locations:

Charleston Central Office	(304) 356-4301
Wheeling District Office	(304) 238-1145
Fairmont District Office	(304) 368-2530
Kearneysville District Office	(304) 725-9453
Beckley District Office	(304) 256-6666
St. Albans District Office	(304) 722-0611

A copy of the proposed IUP will also be available for public review on the Bureau for Public Health website at https://oehs.wvdhhr.org/eed/infrastructure-capacity-development/west-virginia-drinking-water-treatment-revolving-fund-dwtrf/

The public may submit written comments by mail, e-mail, facsimile (304-558-0691) or other delivery to:

Meredith Vance
Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division
350 Capitol Street, Room 313
Charleston, WV 25301-3713
Email: meredith.j.vance@wv.gov

All comments must be received by 12:00 noon, July 9, 2022.
Please include your name, return address, e-mail address, daytime telephone number and indicate any organization that you may represent. Prior to any final action on this IUP, the Bureau for Public Health will address only comments relevant to IUP issues.

OTHER

July 1, 2022 – June 30, 2023

DRAFT INTENDED USE PLAN

For the
WEST VIRGINIA DRINKING WATER
STATE REVOLVING FUND

State of West Virginia

Department of Health and Human Resources
Bureau for Public Health
Office of Environmental Health Services
Environmental Engineering Division

July 2022

OTHER

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OTHER

I. INTRODUCTION

The Safe Drinking Water Act (SDWA) amendments of 1996 authorized a Drinking Water State Revolving Fund (DWSRF) program to assist public water systems in financing the cost of the infrastructure needed to achieve or maintain compliance with SDWA requirements and protect public health. This Intended Use Plan (IUP) details the intended use for the State Fiscal Year 2022 (FFY 2021) Capitalization Grant funds totaling $7,008,000 and will require a 20% state match of $1,401,600. The available State Program Cash Match is $647,500. The IUP also details the intended use for the State Fiscal Year 2022 (FFY 2021) Bipartisan Infrastructure Law (BIL) funds totaling $17,992,000 for DWSRF Supplemental funds with a 10% state match of $1,799,200, $28,350,000 for DWSRF Lead Service Line Replacement funds with no state match requirement, and $7,555,000 for DWSRF Emerging Contaminants funds with no state match requirement.

The West Virginia Infrastructure and Jobs Development Council (Infrastructure Council) committed the funds for the required 20% annual Capitalization grant match and the 10% DWSRF Supplemental grant at its June 2022 meeting.

From the FFY 2022 Capitalization Grants, $4,835,520 from the DWSRF base grant, $15,384,027 from DWSRF Supplemental funds, $24,572,017 from DWSRF Lead Service Line Replacement funds, $7,403,900 from DWSRF Emerging Contaminants funds (along with the state match, projected earned interest, loan repayments and In-Kind reimbursements) shall be used to construct projects. These funds are the Drinking Water Treatment Revolving Fund (DWTRF). The 2% Technical Assistance is used to contract a Continuing Education Training program for water operator training and certification. The 4% Administration funding is used to manage the DWTRF program. The 10% Program Management funding is used for enhancing the Public Water Supply Supervision Program (PWSS). The 15% Local Assistance funding is used in implementing the required state Source Water Protection Program, assessing, and assisting in thetechnical, managerial, and financial capacity of small systems. Projects will be added to the IUP from the PPL in priority order, subject to readiness to proceed.

II. PROJECTS

A. Project Funding Requirements

Approval from the Infrastructure Council is required for any project to receive DWTRF assistance. The Infrastructure Council, with recommendations from its Water Technical Review and Funding Committee, must approve all projects. Both of the following requirements must be considered for funding of projects:

1) At least 15% of the funds in the DWTRF must go to systems serving less than 10,000 total persons. Federal code allows crediting prior year's excess above the 15% for the annual requirement. Approximately fifty percent (50%) of this year's planned funding will go to systems with less than 10,000 population.

West Virginia legislation authorizes the DWTRF requirement for disadvantaged communities. *"The division of health shall, in accordance with the provisions of the safedrinking water act, establish a program for loan subsidies to disadvantaged communities.Thirty percent of the federal capitalization grants made to this state shall be dedicated to the funding of projects for disadvantaged communities"* (Authority §16-13C-3). This requirement is not a federal requirement. The AWIA allows up to 35% loan subsidy for disadvantaged communities. At least 30% of the cumulative federal funds will be used for disadvantaged communities. The 30% requirement will be calculated on a cumulative basis of awarded grants. One hundred percent (100%) of this year's planned funding will go to disadvantaged systems.

B. Disadvantaged System Criteria

Communities will be classified as disadvantaged if they meet any one of the criteria listed below.

- Water rates for 3,400 gallons average usage are greater than or equal to 1.25% of community Median Household Income (MHI)
- Community with census tracts that have a poverty rate greater than or equal to 20% (Using the Census Bureau's official poverty measure)
- Communities with 3.4% or greater unemployed population (for 16+ civilian labor force)
- Communities with 11.7% or greater of the population receiving food stamps/SNAP benefits

C. The Project Priority List (PPL) Process

The PPL process uses an application that the water system must complete to be considered for DWTRF funding. This application process has improved the DWTRF program by listing only those systems that are truly interested in using low interest loan funds. This eliminates the need to bypass many projects that are not interested in using the DWTRF low interest loan money.

Each water system that submits a pre-application through the Infrastructure Council, also:

1) Has its project scored using DWTRF criteria;

2) May be contacted concerning its interest in DWTRF funding; and

3) If the water system is interested in DWTRF, they submit a form to be included on the next priority list that is put out for public comment.

Water systems that are the closest to going to bid, (e.g., the project design is complete and a Public Service Commission application, where applicable, has been submitted, etc.) are given top priority when issuing binding commitment letters, thus, some projects which have not received other funding or have not been designed will be bypassed in accordance with the IUP.

In order to fund more projects with DWTRF funds, the PPL may be issued for public comment several times a year so that projects that have been approved by the Infrastructure Council and have been scored and ranked can be given binding letters of commitment sooner. The PPL will include a summary of the health benefits for the project.

Water systems that have been on the prior PPL but have not received a funding commitment will be added to the new PPL unless we have information that would indicate they no longer wish to obtain DWTRF funding.

Projects requesting DWTRF funding assistance are prioritized using the DWTRF Project Priority Ranking System (Attachment 1). Three categories (public health, regulatory compliance, and affordability) are used to determine project scoring. Project scoring is completed when the projects go through the technical review process at the IJDC. Projects that apply for DWTRF funding are ranked on a PPL and are listed in the Project Priority List/Comprehensive List (Attachment 2). The PPL includes the name of the public water system, description of the project, priority assigned,expected financial terms, size of community served, and whether or not the system is disadvantaged. The highest ranked projects on the PPL are contacted concerning their project status to determine if funding from the DWTRF is appropriate and the project is ready to proceed. The PPL ranking system allows for higher public health ranking for utilities that have multiple violations as reflected in the Enforcement Tracking Tool (ETT). The ranking system allows coordination of projects funded with consideration of the enforcement agency. It is the ultimate responsibility of the water system to inform the DWTRF staff of changes to its readiness to proceed status.

Projects expecting to receive assistance from the FFY 2022 Capitalization Grant Funds are on the Funding List Detailed Description (Attachment 3). Projects that rank lower on the PPL may still receive funding should one or more of the higher ranked projects be bypassed using the bypass procedure described below. Projects on the most recent PPL are also eligible to receive funding from previously awarded capitalization grants or repayments.

All projects on the PPL will be designated as equivalency projects unless specifically stated on the PPL as not being an equivalency project. Non-equivalence projects will only be done on an as needed basis.

D. Bypass Procedure

Prior to implementing the bypass procedure, water system projects listed on the PPL will be reviewed to determine their project status as compared to the ready to proceed project awaiting a funding commitment. Based on the review, DWTRF staff will determine whether to bypass the project and select another project for funding commitment consideration. The following provisions will be used to bypass a project on the PPL:

1) Even though the project is for a system with significant non-compliance of the SDWA, it is determined the proposed project will not ensure compliance.

2) The project is for a system that would not have operators properly certified to operate and maintain the system by the time the project is to receive funding.

3) The project changes significantly in scope and requires re-evaluation of the proposal using the DWTRF ranking system.

4) The project is unable to proceed in a timely manner.

OTHER

5) Other project funding is not committed. Should the bypassed project be within the fundable range, it may be funded at a later date.

6) The project costs significantly exceed the anticipated loan amounts. The project scope could be reduced to within the available DWTRF loan amount provided the ranking does not change.

7) The system declines the assistance.

8) The project is not determined as technically and financially feasible by the Infrastructure Council.

9) The project is unable to meet the schedule developed and agreed upon by the project sponsor and the DWTRF staff.

10) A lower ranked project attains a higher rating due to revised information, such as an environmental or public health emergency.

11) The water system is not considered as having the managerial, financial, and technical capacity, even after project completion, based upon a Capacity Development Assessment by the Office of Environmental Health Services (OEHS) staff.

12) If one or more Green Infrastructure Projects are required to be funded from the Capitalization Grant further down the list in grants that require Green Infrastructure Projects to be funded. For this specific IUP, this is not a grant requirement. OEHS does not have any requirements for Green Infrastructure Projects.

When OEHS bypasses a project, the project will remain on the PPL for consideration at a future time. If the project no longer needs or wants DWTRF funding, it is removed from future PPLs. OEHS will provide technical assistance (as needed) with bypassed projects to assist them in being eligible for the future funding. DWTRF will provide low interest design loans to increase the project pace, where needed.

In cases where a project is bypassed, the next project on the list (not being bypassed) will be funded within the funds available through the criteria outlined in this section. If a funded project comes in under cost, the remaining funds may be used to fund additional project work that can be associated with the project scope; to fund the next project on the PPL (if the cost does not exceed the available funds); or to fund other water system project needs as deemed appropriate by OEHS.

E. Emergency Projects

Projects to remediate an imminent significant hazard to a community's public health may be considered an "Emergency" project if approved by OEHS. An emergency project may not be required to be on the approved PPL if the evaluation by OEHS verifies the urgency of the project execution to avoid a major impact to the water system's customers. Emergency projects will be able to be assigned to any capitalization grant for available funding. All emergency projects must be reviewed and approved by the Infrastructure Council.

F. Loan Terms and Fees

Eligible public water systems may use the DWTRF assistance to fund the cost of infrastructure needed to achieve or maintain compliance with the SDWA and other drinking water regulations. OEHS proposes to use $55,396,264 ($52,195,464 of federal funds and $3,200,800 statematching funds) to provide loans to public water systems for infrastructure improvements. The DWTRF program interest rates will be below AAA Municipal Yield Market rates.

Interest Rate

a) The affordability standard for the annual water user rate is set at 1.25% of Median Household Income (MHI) for 3,400 gallon monthly usage as defined by the Infrastructure Council rules unless the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately. In this case, the magisterial district census data may be used in place of the county census data. Projects previously reviewed by the Infrastructure Council will be 'grandfathered' for up to three years from the date of the approval by the Infrastructure Council. The DWTRF program will typically use the same data and criteria for median household income and typical residential usage rates as the Infrastructure Council to achieve consistency in affordability and financial evaluations by State funding agencies. If the utility can provide a reasonable justification for use of magisterial district median household incomes, the DWTRF program can use them instead of the county or municipal census data. The threshold of 1.25% may be lower than the rate the Infrastructure Council uses for its determination of disadvantaged rates. Water rates equal to or greater than this affordability standard will be considered disadvantaged communities as well as other criteria as described in Section B.

Principal forgiveness funding assistance will typically be provided in combination with a DWTRF repayment loan for disadvantaged public water systems. Principal forgiveness alone may be provided to water systems for a design loan or for construction if special circumstances occur for the project. The disadvantaged loan interest rates will be 1.0% for systems with rates below 1.99% of MHI and 0.5% for systems with rates at or above 2% of MHI.

The non-disadvantaged water systems will be eligible for terms based upon the 25-Bond Revenue Index. At Binding Commitment Letter issuance, the DWSRF will use the last published rate less 5 basis points (.05) for a 20-year term. At no point will the terms exceed 2.50% interest rate, .25% annual admin fee, 20-year term.

OTHER

If DWTRF funding replaces another agency's grant or loan funds on a previously approved Infrastructure Council project, additional subsidization can be provided to maintain the approved level of affordability.

Loan Terms

Terms are given up to 20 years for non-disadvantaged loans and up to 30 years for disadvantaged community water systems loans. A recent change in the federal Water Infrastructure Finance and Innovation Act (WIFIA) now allows the DWTRF program to extend its loan terms by an additional ten years provided the project equipment has a life span at least as long as the loan term but not to exceed 40 years.

Administrative Fees

The OEHS administrative fee for projects is 0.25% of the loan amount to be repaid and the fee is paid evenly over the life of the loan. This administrative fee may be adjusted to make the project affordable. Administrative fees for principal forgiveness loans will be waived.

Design Loans

The DWTRF provides design loans to eligible public water systems for projects on the PPL.The purpose of design loans is to make the projects more attractive for outside additional funding and to decrease the time between project design and construction. The loans will be offered at the same terms as those determined for the full project infrastructure improvements as approved at Infrastructure Council or principal forgiveness, if eligible and necessary. Design loan payback willbegin within nine months following the design's scheduled completion.

Lead Service Line Replacement Loans

The DWSRF program will provide Lead Service Line Replacement Project loans at 0% interest with no administrative fee for both disadvantaged and non-disadvantaged community water systems. Disadvantaged community water systems will also be eligible for principal forgiveness loans including design loans to complete service line inventories. These projects will be subject to the same loan term lengths as described previously.

Graduated Loan Repayment

The DWTRF loan program can provide graduated loan repayment schedules to make projects more affordable to water systems. In this case, the water system will start repayments following construction completion, but the initial payments will be reduced until one or more existing loans are paid in full. Then, the water system will make accelerated DWTRF payments within the loan period. This will allow a level debt service payment for water systems to make infrastructure projects more affordable. The repayment of loans will still be completed in the same time period of the project's eligibility.

G. Project Selection and Loan Activities

The PPL was developed from the projects on prior PPLs that did not receive funding commitments and new applications. Project representatives of prior listed projects were contacted to determine if they still desired DWTRF funding. Those projects which indicated they still desired to be considered for funding were kept on the list and any other project recently submitting an application to OEHS or applying for DWTRF funding through the Infrastructure Council was added to the list.

The PPL will be finalized after the public comment period. The Funding List Detailed Description (Attachment 3) describes the projects most likely to be funded from this Capitalization Grant.

H. Additional Subsidization

The base program Capitalization Grant requires that at least 26% (at least 12% must be used for disadvantaged communities per WIFIA) of assistance provided up to a maximum of 35% of the grant is in the form of additional subsidies (principal forgiveness) may be used for disadvantaged communities. OEHS has the authority to offer principal forgiveness loans in an amount up to100%of a loan made by the State's DWSRF program. The intent of this program is to provide principal forgiveness to those water systems that have significantly higher user rates versus those that may barely meet the disadvantaged criteria. The Funding List Detailed Description includes five projects that are eligible to receive $1,876,253 in subsidization for disadvantaged water systems for the DWSRF base grant. The 26% amount of the capitalization grant funds is $1,822,080 so OEHS has a plan to meet the minimum requirement for additional subsidization.

The DWSRF Supplemental Capitalization Grant requires that 49% ($8,816,080) of the grant in the form of additional subsidies (principal forgiveness) be used for disadvantaged communities. OEHS has the authority to offer principal forgiveness loans in an amount up to100% of a loan made by the State's DWSRF program. The Funding List Detailed Description includes twelve projects that are eligible to receive $8,816,080 in subsidization for disadvantaged water systems. The OEHS has a plan to meet the requirement for additional subsidization.

The DWSRF Lead Service Line Replacement Capitalization Grant requires that 49% ($13,891,500) of the grant in the form of additional subsidies (principal forgiveness) be used for disadvantaged communities. OEHS has the authority to offer principal forgiveness loans in an amount up to 100% of a loan made by the State's DWSRF program. The Funding List Detailed Description includes nine projects that are eligible to receive $13,891,500 in subsidization for disadvantaged water systems. The OEHS has a plan to meet the requirement for additional subsidization.

The DWSRF Emerging Contaminant Capitalization Grant requires that 100% of the grant construction funds be given in the form of additional subsidies (principal forgiveness). OEHS has the authority to offer principal forgiveness loans in an amount up to 100%of a loan made by the State's DWSRF program. The Funding List Detailed Description includes one project that is eligible to receive $7,403,900 in subsidization for disadvantaged water systems. This grant requires that at least 25% of the grant be awarded to a disadvantaged community. The OEHS has a plan to meet the requirement for additional subsidization.

OTHER

I. Green Infrastructure (Green Project Reserve – GPR)

The Capitalization Grant does not require any of the funds provided for projects to be used for water efficiency, energy efficiency, green infrastructure, or other environmentally innovative activities. OEHS does not have any requirements for green project reserve.

J. Davis Bacon Wage Rates (DB)

The Capitalization Grant requires all loan recipients to pay applicable DB wages for all construction contracts. All loan recipients must also follow all federal Department of Labor DB Wage Rate requirements.

K. Asset Management Implementation Effect on Loan Rates

The DWTRF program has required loan recipients to implement a BPH approved asset management plan (AMP) since 2009 to help ensure sustainability of their water systems by properly managing their assets. As many of these plans have been developed and approved by BPH, we are now assessing the required maintenance and use of the approved plan in subsequent loan applications. For those systems that have maintained and updated their AMP they will be eligible for a reduction of their eligible loan rate by 0.5% on their next project funding. Conversely, those systems who had an approved AMP, but have not maintained the AMP, will be assessed an additional 0.5% above their eligible loan rate on their next project funding. Loan recipients who have not maintained their AMP will be required to update their AMP as part of the funding process for a new loan.

L. American Iron and Steel/Build America Buy America Act

All projects funded by this IUP will follow all the American Iron and Steel and Build America Buy America Act requirements as prescribed by EPA issued documents.

M. Disadvantaged Business Enterprise (DBE)

All projects funded by this IUP will follow all the Disadvantaged Business Enterprise requirements as prescribed by EPA issued documents.

OTHER

III. FINANCIAL STATUS

The DWTRF will be managed by OEHS with assistance, through a contract agreement, from the West Virginia Water Development Authority (WDA). The WDA maintains the financial records and ensures bond conditions and audit requirements are met. OEHS manages the DWSRF set-aside funds. The DWTRF program financial status is healthy with a principal and interest repayment stream from loans at $8,500,000 per year. The Administrative fee from loans has an annual income stream of $800,000 which would sustain the administrative staff in perpetuity.

A. Total Amount of Funds in the DWSRF (Construction & Set-Asides)

The amounts available for the DWSRF program are as shown in Tables 1, 2, and 3. Table 4 summarizes all incoming funds through June 2021 and shows the projected disbursed and obligated amounts through 2022.

TABLE 1. FUNDS AWARDED PRIOR TO STATE FISCAL YEAR 2022 (Construction & Set-Asides)

U.S. Environmental Protection Agency (Total from 1998 through and including 2021)*	$246,478,782
WV State Match – Infrastructure Council (Total from 1998 through and including 2021)	$45,382,157
WVDHHR: 10% Set-Aside State Match (Total from 1998 through and including 2021)	$16,066,600
SUB-TOTAL	$307,927,539
Loan Repayments (Principal only 2858) as of 12/31/21	$92,718,311
Admin. Fee plus Fee Investment Interest as of 12/31/21	$9,322,840
Interest Earnings (WVSTO Reinvestment Income 2858 & 2856) WV DWTRF as of 12/31/21	$5,259,886
TOTAL	$415,228,575

* Grant amounts include the in-kind services for the following grants:

- FS-99390003 - $10,000 for Northbridge Environmental Program Support (4%)
- FS-99390006 - $134,176 for AWOP/PBT Contractor Support (10%)
- 2F-99390009 - $250,000 for TetraTech Support of ARRA Projects (4%)
- FS-99390010-1 - $228,679 for TetraTech Support of Projects (4%)
- FS-99390010-1 - $200,000 for Compliance/Enforcement Contractor Support (10%)
- FS-99390011 - $224,458 for project administration & Compliance Support (4%)
- FS-99390011 - $25,542 for Compliance & Enforcement support (10%)
- FS-99390011 - $100,000 for AWOP/PBT support (15%)
- FS-99390012 - $125,000 for Project Administration Contractor Support (4%)
- FS-99390012 - $20,000 for AWOP/PBT Support (15%)
- FS-99390013 - $175,000 for project administration supports (4%)
- FS-99390014 - $400,000 for Source Water Protection (15%)
- FS-99390014 - $200,000 for Capacity and Development (10%)
- FS-99390015 - $300,000 for Source Water Protection (15%)
- FS-99390015 - $191,300 for Capacity and Development (15%)
- FS-99390017 - $74,924 for Source Water Protection (15%)
- FS-99390018 - $0.00
- FS-99390019 - $0.00
- FS-99390020 - $0.00
- FS-99390021 - $0.00

TABLE 2. FUNDS AWARDED DURING STATE FISCAL YEAR 2022 (Construction & Set-Asides)

U.S. Environmental Protection Agency (FS-99390021) (Grant)	$11,100,000
WV State Match - Infrastructure Council (FS-993900021)	$2,220,000
WVDHHR: 10% Set-Aside State Match (FS-993900021) (Approp)	$647,500
TOTAL	$13,860,700

TABLE 3. FUNDS REQUESTED DURING STATE FISCAL YEAR 2023 (Construction & Set-Asides)

TABLE 3. FUNDS REQUESTED DURING STATE FISCAL YEAR 2023	
U.S. Environmental Protection Agency (FS-99390022) (Grant)	$7,008,000
WV State Match - Infrastructure Council (FS-993900022)	$1,401,600
WVDHHR: 10% Set-Aside State Match (FS-993900022) (Approp)	$647,500
U.S. Environmental Protection Agency (FS-) (Supplemental Grant)	$17,992,000
WV State Match - Infrastructure Council (FS-) (Supplemental Grant)	$1,799,200
U.S. Environmental Protection Agency (FS-) (Emerging Contaminent Grant)	$7,555,000
U.S. Environmental Protection Agency (FS-) (Lead Service Line Replacement Grant)	$28,350,000
TOTAL	$64,753,300

TABLE 4. SET-ASIDE FUNDS DISBURSED OR PROJECTED THROUGH STATE FISCAL YEAR 2021 & CONSTRUCTION LOANS & COMMITMENTS THROUGH JUNE 2021 (Construction & Set-Asides)

(Table 4 "Cumulative Grant Funds Received Thru 6/30/2021" includes the in-kind services for the capitalization grants)

Set-Aside Funds	Cumulative Grant Funds Received Thru 6/30/2021	Additional Funds From FS-99390021*	Minus In-Kind Services	Total Incoming Funds	Cumulative Funds Disbursed as of 12/31/21	Projected Disbursements From Jan '22 Thru June '22	Funds Remaining 6/30/2021
Administration (4%)	$8,532,256	$444,000	$1,013,137	$7,963,119	$6,900,531	$200,000	$862,588
Small Systems Technical Assistance (2%)	$4,469,931	$222,000	$0	$4,691,931	$3,977,014	$200,000	$514,917
Program Management Federal (10%)	$20,613,384	$1,110,000	$359,718	$21,363,666	$18,820,575	$300,000	$2,043,091
Program Management State Match (10%)	$16,621,632	$647,500	$0	$17,269,132	$15,567,545	$300,000	$1,401,587
Total Program Management	$37,236,016	$1,757,500	$359,718	$38,632,798	$34,388,120	$600,000	$3,444,678
Local Assistance (15%)	$28,544,780	$1,665,000	$1,286,300	$28,923,480	$25,088,488	$800,000	$3,034,992
Total Set-Aside Funds	$78,781,983	$4,068,500	$2,659,155	$80,211,328	$76,354,153	$2,000,000	$7,857,175

	Cumulative Construction Funds 6/30/2021	Construction Funds SFY2021 July 1, 2021 to Dec. 31, 2022	Projected Funds from January 2022 to June 2023	Projected Activity in SFY2023	Cumulative Construction Funds 6/30/2023		
Construction Assistance Funds From Cap Grant	$176,662,507	$7,659,000	$0	$53,842,250	$238,163,757		
20% & 10% State Match For Cap Grant	$43,162,157	$2,220,000	$0	$3,201,400	$48,583,557		
Loan Repayments (Principal Only)	$87,824,978	$4,892,333	$4,415,110	$8,830,220	$105,963,641		
Interest On Loans	$8,938,774	$387,066	$400,250	$860,000	$10,583,090		
Interest Earnings	$2,678,798	$15,777	$69,376	$138,752	$2,902,703		
Total Funds For Loans	$319,264,214	$15,175,176		$66,873,622	$406,196,748		
Closed Loans	$277,381,626	$19,555,140	$18,110,390	$57,043,650	$372,070,406		
Letters of Commitment	$0	$0	$0	$0	$0		
Planned Future Letters of Commitment		$0		$20,000,000	$20,000,000		
Total Committed/Planned Funds	$0	$0		$20,000,000	$20,000,000		
Funds Remaining To Be Committed					$14,125,942		

	Cumulative Administration Fees Thru 6/30/2021	Administration Fees SFY2022 July 1, 2021 to Dec. 31, 2021	Projected Fees from January 2022 to June 2022	Projected Fees in SFY 2023	Cumulative Administration Fees 6/30/2022		
Administrative Fees on DWTRF Assistance	$8,935,774	$387,066	$400,250	$860,000	$10,583,090		
Administrative Fees Withdrawals	$806,181	$93,640	$83,335	$140,000	$1,123,155		
Net Administrative Fees	$8,129,593	$293,427	$316,915	$720,000	$9,459,935		

Total Program Funds	$406,175,789	$19,557,103	$2,976,070	$147,803,950	$486,010,836		$31,443,052

OTHER

B. Uses of the New Funds (Construction & Set-Asides)

Below in Table 5 is a summary of the amounts to be used for each activity. Any funds not used for set-aside activities will be used for construction projects. Please note that the DWTRF interest earnings are utilized to supplement the construction funds, specifically for project overruns, as necessary. Planned disbursement of these funds will be included in the payment schedule included in the grant application.

TABLE 5. USES OF NEW/REQUESTED FUNDS (Construction & Set-Asides)

	Sources and Uses of Funds						
Uses of Funds	Federal Funds	Council Grant	Program	Fee/Admin	Earnings	Repayments	Total
Administration	$1,000,000	$0	$0	$0	$0	$0	$1,000,000
Technical Assistance	$858,160	$0	$0	$0	$0	$0	$858,160
State Program Management	$2,380,153	$0	$647,500	$0	$0	$0	$3,027,653
Local Assistance	$4,471,123	$0	$0	$0	$0	$0	$4,471,123
Construction	$52,195,564	$3,200,800	$0	$0	$0	$0	$55,396,364
Total	$60,905,000	$3,200,800	$647,500	$0	$0	$0	$64,753,300

Notes to Table 5:

- Administrative Fees, Interest Earnings, and Loan Repayments are included in the grant application.
- Administration includes $580,868.00 for in-kind services for administration assistance.
- There are no plans to transfer funds between the DWTRF and the Clean Water State Revolving Fund.

C. Types of Projects Funded

OEHS is proposing to fund twenty-nine projects as described in Attachment 3. These projects include distribution system upgrades, water treatment plant improvements, extensions to new customers, lead service line inventories and lead service line replacements. Projects solely for economic growth or projects solely for fire protection are not eligible for DWTRF assistance.

D. Project Benefits Reporting (PBR) and National Information Management System (NIMS)

OEHS will report appropriate information into the PBR and NIMS systems as required byEPA. This IUP will be administered as required by the Operating Agreement between OEHS andEPA.

IV. GOALS OF THE DWSRF

OTHER

A. Short Term Goals

1) Increase source water protection for surface water by further developing a surface source water/early warning detection system: River Alert Information Network (RAIN) in the Monongahela River Basin and examine feasibility of duplicating that system into other drainage basins in West Virginia.

2) Support the Stream Gaging Network for the purpose of collecting steam flow data that is used to document variations in flow over time for various rivers in West Virginia. These data are used to develop more accurate flow models for future protection area generation and determining more accurate time of travel models for waterborne contaminants.

3) Fill vacant staff positions within the WV OEHS, Environmental Engineering Division (EED). There are currently multiple positions vacant throughout the division. These staffing vacancies within the program have resulted in the set aside funds for salaries not being drawn quickly which has resulted in increased ULOs and more than two open grants at a time. Staffing vacancies have been an ongoing problem for the entire BPH and the problem is being addressed by upper level management and the WV Division of Personnel.

B. Long Term Goals

1) Provide the necessary infrastructure replacement, upgrade, and service with the overall goal of upgrading water quality for existing public water customers and providing water to new customers whose water currently does not comply with the SDWA or is unreliable. The DWTRF has a utilization goal of meeting or exceeding the national average and the average of EPA's Region 3 states by achieving a 2022 fund utilization goal of 95%.

2) Develop the DWTRF to ensure the long term perpetuity of the fund where after the initial capitalization years, the loan repayments in the fund will be used to finance additional projects.

3) Close the DWTRF loans to recipients within twelve months of a letter of binding commitment.

4) Continue implementation of the Capacity Development Strategy including assisting existing public water supplies in acquiring and maintaining the technical, managerial, and financial capacity to comply with the federal SDWA. Provide assistance to ensure that all new community water supplies and new non-transient non-community supplies have the technical, managerial, and financial capacity to comply with current regulations and those regulations likely to be in effect, when the system initiates operations.

5) Continue development, enhancement, and improvement of the PWSS through improved methodology and consistency of the sanitary surveys. This includes completion of a full

complement of staffing in the district offices and implement an automated data collection system for laboratories to forward results to our agency.

6) Protect source water from future contamination through Source Water Assessment and Protection (SWAP) and Well Head Protection (WHP) programs.

7) Continue to implement an operator training continuing education program focusing on training course/instructor criteria and operator training requirements.

8) Continue to strive to minimize unliquidated obligations (ULOs) by expeditiously disbursing both set-aside and construction funds in a timely manner. The goal is to attain a half year or less balance for the 2%, 10% and 15% set-asides at the time a new grant is awarded. Set-aside amounts requested in this IUP are supportive of minimizing ULOs.

V. SET-ASIDE ACTIVITIES

In addition to the DWTRF construction fund, there are four "set-aside" or non-project accounts to be administered by OEHS. These separate accounts include Administration of the Loan Program, Technical Assistance, State Program Management, and Local Assistance. In addition to funding for staff expenses, there are also programs being undertaken to improve the health and safety of State water systems. These activities are described in more detail in the associated grant application work plan. The set-aside programs demonstrate compliance with the capacity development authority, capacity development strategy, and operator certification program provisions in order to avoid withholdings.

The different set-aside accounts are specified in the SDWA to enable the State to finance the cost of administering and managing the DWTRF program and supporting local public water systems. These accounts are described in more detail below.

The goals, objectives, methods, outputs, and outcomes for these set-asides are located in the grant work plans.

A. Administration ($280,320- DWSRF Base Federal; $719,680 DWSRF Supplemental)

The SDWA authorizes the State to use 4% of the Base Capitalization Grant for administration ofthe DWTRF program or the maximum based on three options listed below. Based on option #3, $280,320 and $719,680 is eligible from the grant for the administration set-aside.

Option #	Description	Calculation	Result
1	$400,000 Flat Rate	n/a	$400,000
2	1/5th of one percent of the current total net position of the fund	$168,148,727 X 0.002	$336,297
3	4 percent of grant	$7,008,000 X 0.04 $17,992,000 X 0.04	$280,320 $719,680

OTHER

The State plans to use this set-aside for administration of the program. Administrative tasks include but are not limited to:

1) Developing legislation regarding issues related to the DWSRF.
2) Preparing the Capitalization Grant agreement.
3) Developing memorandums of understanding between federal and State agencies.
4) Reviewing West Virginia Infrastructure Council applications.
5) Preparing the IUP.
6) Providing project review, priority ranking procedures, environmental reviews, and required DWTRF project information coordination (project scheduling, advertisements, loan closure).
7) Providing project inspections, administration of the funds.
8) Tracking and accounting of the funds.
9) Auditing of the funds.
10) Processing payment requests and managing loan repayments.
11) Assisting Compliance & Enforcement staff in providing monitoring.
12) Provide grants as available for planning and evaluation of proposed projects.

The DWTRF program will utilize the WDA, which already administers State-funded construction loans to public wastewater and water systems.

The State is requesting 4% ($719,680) of the DWSRF Supplemental federal capitalization grant for administration of the program. The State will use $138,812 to pay for staff and $580,868 as In-Kind services. These In-Kind services will be used to hire a contractor to assist the State in administration of the program.

The administration set-aside is not being taken for the Lead Service Line Replacement Grant and the Emerging Contaminants Grant.

B. State Program Management ($700,800 – DWSRF Base Federal; $647,500 - State Match Cash; $1,303,370 DWSRF Supplemental; $375,983 DWSRF Lead Service Line Replacement)

The SDWA authorizes the State to use up to 10% from the federal Capitalization Grant to support the Public Water Supply Supervision (PWSS), Data Information System Management, PWS operator certification and programs. This year no federal funds are requested from the reserve account. It will support the water systems needing to improve their facilities and security through source water grants. The State match is made through State appropriations.

The State is requesting a portion of the 10% set-aside ($1,303,370) of the DWSRF Supplemental federal capitalization grant. These set-aside funds will be used to supplement the PWSS program and PWS operator certification and programs.

The State is requesting a portion of the 10% set-aside ($375,983) of the DWSRF Lead Service Line Replacement federal capitalization grant. These set-aside funds will be used to hire additional lead compliance staff and to purchase a database and mapping software to track lead service line locations.

C. Technical Assistance ($140,160 DWSRF Base, $151,000 DWSRF Emerging Contaminant, $567,000 Lead Service Line Replacement)

The SDWA authorizes the State to use up to 2% of each capitalization grant to provide technical assistance to small water systems. The full amount of the 2% is being requested from the DWSRF base grant. Small water systems are defined as those that serve less than 10,000 persons. These set-aside funds will be used for technical, financial, and managerial continuing education training of watersystem operators to meet their certification and training requirements. A contractor, meeting theState requirements, will coordinate the technical assistance program.

The full amount of the 2% ($151,000) is being requested from the DWSRF Emerging Contaminant grant. These set-aside funds will be used to hire a contractor to provide technical assistance and training on PFAS and other eligible emerging contaminants.

The full amount of the 2% ($567,000) is being requested from the DWSRF Lead Service Line Replacement grant. These set-aside funds will be used to hire a contractor to provide technical assistance and training on lead education and outreach, inventory plans and non-routine lead sampling.

D. Local Assistance and Other State Activities ($1,051,200 DWSRF Base, $584,923 DWSRF Supplemental, $2,835,000 DWSRF Lead Service Line Replacement)

The SDWA authorizes the State to use up to 15% of the federal capitalization grant for this set-aside, but no more than 10% may be used for any one activity. The full $1,051,200 is being requested for this set-aside from the DWSRF base grant. These set-aside funds will be used for the Capacity Development Program, the Wellhead Protection (WHP) Program and grants, to support the Interstate Commission on the Potomac River Basin (ICPRB), Data Information System Management, improving GIS capabilities, to support the River Alert Information Network (RAIN), an internet website for GIS support, and a stream gauge network for local waters. Working in conjunction with the Compliance and Enforcement Program, the Capacity Development Program and the EED District Office staff will provide support to non-compliantsystems not needing infrastructure investment.

The State is requesting a portion of the 15% set-aside ($584,923) of the DWSRF Supplemental federal capitalization grant. These set-aside funds will be used to supplement the Capacity Development Program and the Wellhead Protection (WHP) Program.

The State is requesting a portion of the 15% set-aside ($2,835,000) of the Lead Service Line Replacement federal capitalization grant. These set-aside funds will be used to hire a contractor to assist water systems with a population of 1,000 or less in completing service line inventories.

OTHER

VI. PUBLIC COMMENT PROCESS

The public comment process for this IUP is described in attachment 4.

ATTACHMENT 1

DWTRF Project Priority Ranking System

System: _____ County: _____ Date_____

Project#:_____Project:_____

DWTRF Project Priority Ranking System

(1) _____ **PUBLIC HEALTH** (0 to 50 points - 50 points maximum)

Up to fifty points may be given to a project for public health. The public health categories are listed below. A project may apply to several categories. In such cases, the project will be given the highest rating.

(A) _____ **Projects to correct acute health hazards** - (50 points) Fifty points will be given to projects that propose to eliminate a problem that poses an acute, ongoing health hazard to the consumer. Violations should be included in the Enforcement Tracking Tool (ETT). Examples are listed below.

- Projects that address documented nitrate or nitrite violations.
- Projects that address documented exceedances of primary inorganic MCL's
- Projects that address a problem where a system has significant turbidity violations. The project must ensure compliance to receive DWTRF assistance.
- Projects that address a problem where a system has significant microbiological violations. The project must ensure compliance to receive DWTRF assistance.
- Projects that propose filtration for surface water source that currently do not have filtration.
- Projects that propose disinfection for a system that currently do not have disinfection.
- Projects that address documented or potential water outages for extended periods (1 week or more) due to contamination or system/design deficiencies.

(B) _____ **Correct chronic health hazards** - (40 points) Forty points will be given to projects that propose to eliminate a chronic health hazard to the consumer. Examples are listed below.

- Projects that address occasional turbidity violations for a system that has a moderate ETT score.
- Projects that address occasional microbiological violations for a system that has a moderate ETT score.
- Projects that address exceedances of the Lead and Copper Rule.
- Projects that address documented exceedances of primary organic MCL's.

OTHER

- Projects that address documented exceedances of radiological MCL's.
- Projects that address treatment technologies for the SWTR.
- Projects that address documented or potential water outages (1 to 6 days) due to contamination or system/design deficiencies.
- Projects that enhance source water protection to prevent widespread contamination throughout the distribution system via alternate water sources or additional storage.

(C). _____ **Correct periodic health hazards** - (30 points) Thirty points will be awarded to projects that propose to eliminate a documented health hazard which has occurred periodically. Examples are listed below.

- Projects that address low chlorine residuals.
- Projects that address periodic exceedances of a primary MCL.
- Projects that address periodic water outages to some customers for at least a day due to design or system deficiency.
- Projects to bring existing facilities to current design standards which affect water quality: treatment, chemical application, pumping facilities, finished storage and distribution systems.

(D)_____ **Correct potential health hazards** - (20 points) Twenty points will be given to projects that propose to eliminate potential health hazards. Examples are listed below.

- Projects for line extensions to areas with poor water quality or limited quantity.
- Projects to develop new source to augment existing sources where there is no other health hazard associated with the project. Dams and reservoirs are not eligible.
- Projects for installation / upgrade of waste disposal facilities.

(E)_____ **System Improvements** - (10 points) Ten points will be given to projects that propose general system improvements. Examples are listed below.

- Projects to replace / repair old, undersized, or malfunctioning equipment.
- Projects to replace leaking water line.
- Projects to improve aesthetic quality of the water such as iron, manganese, taste and odor.

(2)_____ **REGULATORY COMPLIANCE** (0 to 20 points, 20 points maximum)

(A)_____ Correction of chronic non-compliance - 20 points
Compliance with administrative orders, agreements, statutes, or regulatory requirements.

(B)_____ Compliance with periodic and potential non-compliance - 10 points
Compliance with sanitary survey recommendations, NPDES permits, new

regulations, or design standards.

(C)_____ Protection against non-compliance -5 points
Compliance with proposed regulations.

(D)_____ Line extensions with documented cases of fecal coliform - 3 points

(3) _____ **AFFORDABILITY** (0 to 30 points) (Based on post-project user rates)

Rates = 0% to 0.49% MHI (0 points)
Rates = 0.50% to 0.99% MHI (5 points)
Rates = 1.00% to 1.24% MHI (10 points)
Rates = 1.25% to 1.49% MHI (15 points)
Rates = 1.50% to 1.74% MHI (20 points)
Rates = 1.75% to 1.99% MHI (25 points)
Rates ≥ 2.0% MHI (30 points)

Note: MHI = median household income by county or municipality as published by the West Virginia Infrastructure and Jobs Development Council (IJDC) at time of approval for funding by IJDC. If the project sponsor can clearly show that a magisterial district census income reflects the affordability more appropriately the magisterial district census data may be used in place of the county census data.
Rates are based on 3,400 gallons.

Public Health	
Compliance	
Affordability	
Total Points	

Tie Breaker:
If two or more systems have the same score, the following will be used as the tie- breaker.

1. Whichever system has the highest public health rating will be ranked highest.

2. In the event there is still a tie, then the system with the smaller population served will be ranked higher.

OTHER

Definitions

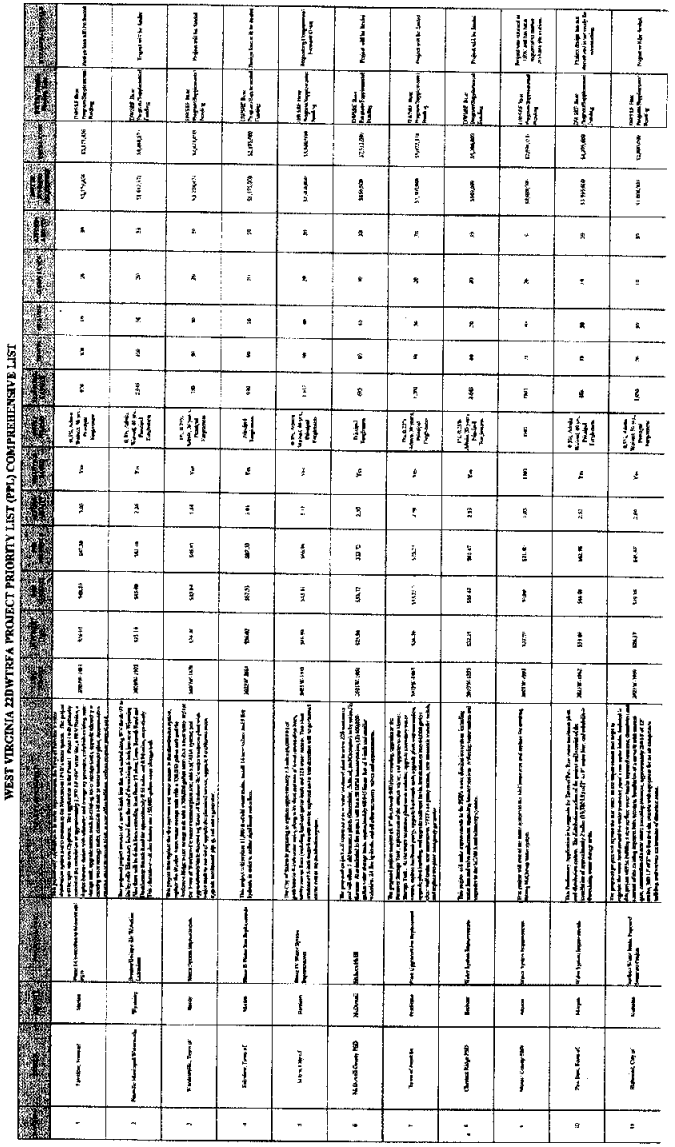
EPA -- Environmental Protection Agency
MCL -- Maximum Contaminant Level
MHI -- Median Household Income
ETT -- Enforcement Tracking Tool
SWTR -- Surface Water Treatment Rule

ATTACHMENT 2

Project Priority List/Comprehensive List

OTHER |

WEST VIRGINIA 22DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST



WEST VIRGINIA 22DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

Number	Project	County	Project Type	Project Description	Population	Median Household Income	Affordability Index	Project Cost	Green Project Reserve	Disadvantaged Community	Interest Rate	Term	Points	Readiness to Proceed	Green Project Reserve Amount	Principal Forgiveness Amount	Total Project Amount	Project Priority Ranking	Project Status
32	Pennsboro, City of	Ritchie	Water System Improvements	The proposed project plan is to replace the existing 400,000 gallon Industrial Park Tank with a new 500,000 gallon tank at the same location. The Pennsboro Water Storage Tanks also included with the replacement of planned 1.5 miles of mostly 6-inch water mains with 8-inch ductile iron water mains, and associated valves and appurtenances will be included as well as the demolition and site preparation for the new tank.	2012 PF-2010	$34,375	94.07	89.967	1.00	Yes	Principal Forgiveness	1.0%	20	30	30	30	$ 900,000	$ 2,333,000	22DWTRFA Base Program/Supplemental Funding	Project will be funded.
33	Alderson, Town of	Greenbrier	Water System Rehab & Expansion	This preliminary application is for the Town of Alderson to install water service to 97 Kennedy Ave. and add a recirculation water pump at the water distribution system and water treatment facilities.	2010 PF-1033	$25,420	$34.58	$39.49	2.85	Yes	80%, Admin Waiver, 40 yrs, Principal Forgiveness	2.450	70	50	30	30	$ 3,340,000	$9,361,000	22DWTRFA Base Program/Supplemental Funding	Project will be funded.
34	Town of Pineville	Wyoming	Water System Upgrade Phase II	Phase 2 of a water system upgrade project for the Town of Pineville and the water tank area. Project includes replacing 2 main water storage tanks, water plant #1 gravity to booster upgrades, replacing water mains, booster station upgrades, and upgrading water lines along St. 52, St. 54, Virginia St. and Clemens St.	2010 PF-1065	$19,514	$39.23	$46.39	2.82	Yes	0%, 1.25%, Admin, 20 years, Principal Forgiveness	2.767	70	50	30	30	$ 2,000,000	$5,600,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
35	Gary, City of	McDowell	Water System Improvements	The project includes the engineering and construction necessary to overhaul a dead-filling Lake that is a 40-million-gallon raised reservoir for the city's water distribution system. Included, construction of water mains, emergency improvements to the City of Welch, emergency improvements to the McDowell County PSD and consolidation with a nearby water utility.	2010 PF-1005	$27,750	$31.13	$37.15	1.25	Yes	0%, 0.25%, Admin, 20 years, Principal Forgiveness	1.623	65	45	30	30	$ 2,500,000	$ 2,563,000	22DWTRFA Base Program/Supplemental Funding	Project will be submitted to WDC and has been requested to be funded under wholesale allocations.
36	Union PSD	Lincoln	Allen Creek Water Storage Tank Replacement	This project will replace the 1 million PSD's worn Union Water Storage Tank with a new 1.5 million gallon tank.	2010 PF-1046	$27,250	$34.63	$42.63	1.62	Yes	Principal Forgiveness	3.413	60	40	30	30	$ 2,543,000	$ 3,400,000	22DWTRFA Base Program/Supplemental Funding	Project will be funded.
37	Cassa, Town of	Upshur	Water System Improvements	This project will make improvements to the Town of Cassa water distribution system. The project will consist of the 1.98 mg water system replacement of 25 miles, replace the existing 750 gpm, 150hp distribution booster pump, 2.0 MG ground storage tank, replace 2 new metering stations and one booster, replace 12 fire hydrants, install 12 fire hydrants, replace approximately 2.5 miles (13,200 LF) of 8" and 6" water lines, and replace approximately 1.5 miles (8,000 LF) of 2" water lines.	2010 PF-1031	$35,417	$38.39	$38.96	0.95	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	4.00	65	30	30	25	$ 1,000,000	$ 3,000,000	22DWTRFA Base Program/Supplemental Funding	Project will be funded.
38	Town of Worthington	Marion	Water Improvements	The project will involve upgrades to the System's distribution system and will consist of extensive water line repair and rehabilitation. The project also includes a water line extension from Harker Hill area that will serve the Cedar Grove community. The project will consist of the installation of approximately 18,000 LF of 6" and 8" water line, 14 LF of 3" water line, eighteen (18) of 6x6" service line replacements, 20 services, two (2) PRV stations, 12 fire hydrants, two (2) automatic meter readers, 12 leak detection meters, and multi-agency engineering, planning, outreach and administration.	2010 PF-1040	$17,708	$23.82	$40.15	1.66	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	2.000	65	30	30	25	$ 2,000,000	$ 2,500,000	22DWTRFA Base Program/Supplemental Funding	Project will be funded.
39	Grant Town, Town of	Marion	Water System Improvements	The Northwest Area replacement line project will consist of the installation of approximately 2.9 miles (15,320 LF) of 8" through 2" waterline; replace two (2) booster stations; and replace the existing 100,000 gallon tank with a new 250,000 gallon tank, and necessary valves and appurtenances.	2010 PF-1009	$20,250	$25.69	$30.24	2.14	Yes	0.5%, Admin 30 years, 0% Principal Forgiveness	1.240	65	30	5	30	$ 2,025,000	$ 2,025,000	22DWTRFA Base Program/Supplemental Funding	Project is under construction.
40	Town of Mount Hope Water Dept.	Fayette	Water Treatment Improvements	This project will upgrade the water treatment plant. Work will include, but not limited to, the following: the water treatment plant intake will be relocated to the Upper Piney Lake; the existing water storage tank will be demolished and a hydropneumatic tank will be installed in its place; there will be a new distribution line from the water treatment plant to the Upper Piney Lake; the existing water line will be upsized from the water treatment plant to the Upper Piney Lake; and other miscellaneous work.	2010 PF-1063	$20,417	$25.43	$30.24	0.89	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	1.000	65	30	30	25	$ 2,000,000	$ 2,500,000	22DWTRFA Base Program/Supplemental Funding	Project complete. Awaiting Final Closeout.
41	Pres. Cnty. Water Association	Monroe	Water System Improvements	This project proposes to make several upgrades around the water system including treatment replacements, waterline extensions, tank replacement, Booster Pump Station, Upgrades and various other system upgrades.	2010 PF-1048	$23,111	$28.64	$30.59	0.91	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	2.063	65	30	30	25	$ 2,475,000	$ 2,475,000	22DWTRFA Base Program/Supplemental Funding	Project already funded by WDC and under construction.
42	Shinnston, Town of	Harrison	Treatment to Remove Water Supply Line Project	The proposed project involves replacing the district's old 8" main supply line with a 12" line beginning at point in the City of Shinnston's 1.65" main. The proposed project consists approximately 19,000 feet (3 mi) of 12" main line and 200 feet of 8" water line, valves, appurtenances, PRV Room and tie-in and testing and is gravity driven. The City of Shinnston provides water to the Town of Shinnston. The Town is a privately owned municipality of a portion of the line in the City of Shinnston.	2010 PF-1072	$45,417	$61.12	$52.53	1.25	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	1.000	60	40	30	30	$ 1,000,000	$ 3,000,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.

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WEST VIRGINIA 22DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

Number	Project	County	Project Type	Project Description	Population	Median Household Income	Affordability Index	Project Cost	Green Project Reserve	Disadvantaged Community	Interest Rate	Term	Points	Readiness to Proceed	Green Project Reserve Amount	Principal Forgiveness Amount	Total Project Amount	Project Priority Ranking	Project Status
43	Pax, Town of	Fayette	Water System Upgrades	This project proposes replacing sections of water mains between the Quarley Water Treatment water plant and the Pax water tank. The proposed project will consist of approximately 875 miles (46,000 LF) of 8" PVC, 686 LF of 6" DIP, 600 LF of 4" DIP, 600 LF of 2" PVC. Five access roadways, New Department of Highway road crossings and related appurtenances. This will ensure the needed tank utilities, replacement of waterlines and 3 fire hydrants to allow for the water needs for the Town of Pax, customers.	2010 PF-1043	$17.98	$40.43	$44.35	2.00	Yes	0.5%, Admin 30 years, Principal Forgiveness	702	60	30	6	30	$ 1,000,000	$ 1,000,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
44	Berwind-Union PSD	Mercer	2011 Water System Improvements	This project includes Water Source Improvements to serve a 1.5 MG water storage system to assist the six (six) (Upper Piney) PSD in adequately serving it through feeding it down to systems including the 0.5 MG tank in operation. Total estimated 2011 water to 1,575 users, 725 gpm booster pump; new 6" to replace 12"x12" PVC pillar line, 2011 water tank for providing necessary fire storage (Total three) users, as in	2010 PF-1044	$31,458	$42.95	$46.38	1.82	Yes	Principal Forgiveness	3.321	60	30	10	30	$ 500,000	$ 1,000,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
45	Pocahontas PSD	Upshur	Water System Improvements & Extensions	This federal application approximately 475 water utilities in Service Area System. It will also include an extension on the Upper Peters Run Road to serve an additional five customers. The project includes the Tank Replacement 125,000 gallon water tanks as well as a booster pump station. The project also includes 16 hydrant lines approximately 1,500 cubic-feet meters.	2010 PF-1077	$42.08	$46.23	$46.79	1.62	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	3.697	60	30	30	30	$ 2,314,000	$ 2,900,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
46	Walton PSD	Roane	Camp Ellwood/Cherry Road Water Line Extension	This project will upgrade the line size in the Camp Ellwood/Cherry Road area of Roane County. Residents experience low water pressure and low flow rates in some areas. The project will include approximately 20 new service lines along Cherry Road and Camp Road. Residents will be required to pay a monthly 2.5 miles of water line. (25 new hydrants, a booster station, (2) 50,000 gal bolt water storage tank, and all necessary valves and appurtenances. Also, that other is repaired. An 80x100 gallon Walton water storage tank, and rehabilitate the Gandeeville, Ashton Ridge, and Long Ridge water storage tanks.	2010 PF-1064	$14.28	$20.28	$ 26.21	1.35	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	1.936	55	30	30	25	$ 950,000	$ 1,450,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
47	Jumping Branch Water PSD	Summers	Bloomington Rd-Mud, Mundy Rd Extension	This project will provide water service to the Bloomington Rd and Mud, Mundy Rd area of southern Summers County. Residents experience low water quality and poor water pressure due to existing private wells. In addition, many residents have water line troubles, and some proper local contaminants as well.	2010 PF-1081	$20.16	$27.58	$40.54	2.50	Yes	0%, 0.25%, Admin, 20 years	1.484	75	20	5	30	$ 400,000	$ 1,011,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
48	Jumping Branch Water PSD	Summers	Stockton Creek Waterline Ext	To provide water service to the Stockton Creek Rd. area of Summers County. Residents experience low water pressure and poor water quality due to existing private wells. In addition, poor turbidity, high iron, and a recent water boil advisory issue in wells.	2010 PF-1082	$20.16	$27.58	$28.62	2.00	Yes	0.5%, 0.25%, Admin, 30 years	1.414	75	20	5	30	$ 700,000	$ 1,414,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
49	Camden PSD	Webster	Rt. 82 Water Line Extension Project	The project consists of extending water service and providing fire service to approximately 25 potential customers along Rt. 82 in Webster County.	2010 PF-1045	$29.63	$40.00	$40.63	1.00	Yes	1%, 0.25%, Admin, 30 years, Principal Forgiveness	2.396	55	30	5	30	$ 1,000,000	$ 4,500,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
50	Accoville, Town of	Mercer	Water System Improvements	Pole Replacement Application to replace existing water line in the Town of Accoville main approximately 3.5 miles of 6" SDR17 PVC and 2" diameter, approximately 4.5 miles of water line (1,900 LF), with approximately 600 ea existing road service.	2010 PF-1060	$22.72	$31.35	$40.21	2.00	Yes	0.5%, Admin, 30 yrs, 0% Principal Forgiveness	2.50	20	30	30	30	$ 2,000,000	$ 3,000,000	22DWTRFA Base Program/Supplemental Funding	Project design is near started and is not ready for construction.
51	Middleton, Town of	Pocahontas	Phase 4 Water System Improvements	This project is Phase 2 for Middleton's water distribution system improvements. The project will involve approximately 3 Miles of existing 4-inch water mains, with 6-inch lines for replacement upgrades. The plan of existing 1,200 linear feet of 4-inch water line. New included will be 10 hydrants, 4 PRV valves, 20 fire hydrants, all leak detection meters, replace 100 meter interfaces/valves, and all other necessary valves and appurtenances.	2010 PF-1071	$25.42	$40.42	$51.31	2.13	Yes	0.5%, Admin, 30 years, Principal Forgiveness	1.392	50	30	30	30	$ 3,500,000	$ 4,500,000	22DWTRFA Base Program/Supplemental Funding	Project design is near started and is not ready for construction.
52	Upper PSD	Webster	Rt 15 Water System Rehab/Service Project	Project will remove and service approx. 12,000 ft of water lines ranging in size from 2" to 10" and rehabilitate the existing 10" to and replace the approximately four hydrants as	2010 PF-1078	$20.31	$33.63	$42.35	2.00	Yes	0%, 0.25%, Admin, 30 years, Principal Forgiveness	1.822	30	30	10	30	$ 2,000,000	$ 3,000,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.
53	Williamson, City of	Mingo	Water System Upgrade Project	This project will upgrade the water treatment, storage and distribution system. Upgrades will consist of the Peach Orchard #1 (1,500 GPM) treatment high service pumps. Upgrades will consist of 200 ft. of 6" waterline to the 0.5 MG GPM booster pump station. Upgrades will consist of new pumps, rehab of existing tank, improved pressure reducing, controls, valves, and appurtenances for 15" and booster pump stations, telemetry, hardware, valves, valves.	2010 PF-1137	$19.50	$24.75	$40.49	0.41	No	0.5%, Admin, Waiver, 30 yrs, Principal Forgiveness	0.143	30	10	10	30	$ 2,175,000	$ 2,175,000	22DWTRFA Base Program/Supplemental Funding	Project design has not started and is not ready for construction.

WEST VIRGINIA 22DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

Priority	Applicant	County	Project Name	Project Description	Population	Project Score	Total Needs	Local Match	Affordability Index	Green Project Reserve	Loan Rate	Loan Term	Principal Forgiveness	Disadvantaged Score	Construction	Planning	Acquisition	Green Project Reserve	Total Project Cost	Cumulative Total	Anticipated Start Date	Project Status
34	Bluffmouth County PSD	McDonagh	Meadows	This project proposes that the Bluebird water system is to be connected to the McDonagh County PSD Barley water distribution system that runs through town, and the water will be supplied by the McDonagh PSD. In addition, it will involve the decommissioning of the Bluebird Water Treatment Plant and the Bluebird water tank. This project will include the consolidation of Bluebird Water. Why is only McDonagh? Is Perry Bluebird?	2011/R-7218	92.4.5	5.1.4.4	$5.5.7.8	2.1.5	Yes	Principal Forgiveness	1,5.4	2.4	1.4	1.5	1.5	$1.8.,5.1	$2.5.5.,1.6	Green and Water Program/Requirements Planning	Project design has not been started to currently be commenced.
35	New Haven PSD	Fayette	Cannon Hill - Sandy Run Confluence/Black Cat Creek area	Water line extensions to nearby Mt. Gay/Shumate, Sun Cahill area, including another Designated community 4. Cahill community. Approximately 45 new customers.	2011/R-1.4.1	82.7.5	5.1.5.5	$2.1.4.5	4.1.5	Yes	1%, 0.25% Admin, 20 years Principal Forgiveness	4.4.5.5	4.2	2.5	5	2.5	$5.4.5.,1.2.5	$2,5.7.1.4.1	5.5.4.5.5 Base Program/Requirements Planning	Project will be funded
36	New Haven PSD	Fayette	Lineman Dr + Sunny Dunnden	Water line extension to end of streets, Lineman Dr., Sunnybrook Ridge, approximately 4.4, Hickory Ridge & Lane, Dennis Ridge, Whispering Pines. Approximately 15 new connections.	2011/R-1.4.4	82.7.4.4	5.4.4.4	$2.1.2.2	4.5.1	Yes	1%, 0.25% Admin, 20 years Principal Forgiveness	4.4.2.2	4.4	2.5	5	2.5	$.4.5.2.1.4.4	$.4.5.4.4.5.5	7.4.5.4.5.5 Base Program/Requirements Planning	Project will be funded.
37	Chancellor County PSD #2	Chancellor	PSD - Sun Rock Water Line Extension	This project extends water service to approximately 4.75 new customers from Chancellor to Rockville, and from Rock Church to Asbury in Chancellor County. The project includes, approximately 17 miles of 2-inch to 6-inch distribution line, two (2) booster stations, one (1) 100,000 gallon water storage tank, one (1) 300,000 gallon water storage tank, 10 gate valves, 40 fire hydrants, 50 flushing hydrants, and other appurtenances.	2.5.5.,1.5.5	5.4.1.4.5	1.5.4.4.5	1.4.2.5.5	2.1.4.5	Yes	1%, 0.25% Admin, 20 years Principal Forgiveness	2.1.2.5	4.5	2.5	-	2.5	$5.4.5.,5.5.5	$.1.7.5.5.,4.5.5	1.4.5.5.5 Base Program/Requirements Planning	Pre-application has not started and is not ready for construction.
38	Applewood PSD, W.Va. Assoc.	Mercer	Mary Pounds Water Extension	Extension of public water to the Mary Pounds area of Mercer County, West Virginia. 1 public, approx 8 pounds 42 new connections.	2.5.5.,1.5.5	5.5.1.5.5	1.5.5.4.4	5.5.1.4.4	1.4.5.5	Yes	1%, 0.25% Admin, 20 years Principal Forgiveness	2.1.4.4	4.5	2.5	5	2.5	$.5.7.1.4.5.5	$2.1.4.5.5.4.4	1.5.4.5.5.5 Base Program/Requirements Planning	Project will be in the IUP.
39	Hammond PSD	Braxton	Water System Improvements	This project includes system improvements to the distribution system and the water treatment plant. This includes water main replacement, replacing existing meters with new AMR meters, installation of cell tower, pump station improvements, and upgrades to the existing water storage tanks. Water lines around the 3 water contracts include replacing the undersized water lines with 6" main replacement, hydrants, valve and valves boxes, installation of permanent pavement and paving replacement.	2.5.5.,1.5.5	5.4.7.5.5	1.4.5.2.5	1.5.7.4.5	1.7.5	Yes	1%, 0.25% Admin, 20 years, Principal Forgiveness	2.1.4.5	4.5	2.5	5.5	2.5	$.5.4.5.,5.5.5	$5.1.5.4.5.5	5.5.4.5.5.5 Base Program/Requirements Planning	Project design has not been started to currently be commenced.
4.1	Kanawha Falls PSD	Fayette	Water System Improvements	This project will upgrade the existing water system of plant are approximately 900 gpm to 1,200 gpm.	2.5.5.,1.5.5	5.5.1.4.1	1.5.5.5	1.4.5.4.1	1.5.4	Yes	1%, 0.25% Admin, 20 years, Principal Forgiveness	2.1.5.5	4.5	2.5	5.5	2.5	$.5.5.4.5.5.5	$.5.5.5.1.5.5	1.5.4.5.5.5 Base Program/Requirements Planning	Project design has not been started to currently be commenced.
4.5	Craigsville PSD	Nicholas	Water Treatment Plant and Distribution Improvements	This project will upgrade the existing water treatment plant with new buildings, chemical storage and feed systems, including the construction of a new 1.0 MGD water treatment plant to replace the existing 0.6 MGD water treatment plant. The project will include: 4.1 new raw water intake structures and pipelines; 4.2 new raw water transmission mains; 4.3 new water treatment plant, including a new 1.0 MGD water treatment plant with flocculation, sedimentation basins, filter equipment, backwash facilities, clearwell, chemical feed systems, including fluoride, and all ancillary and appurtenances; 4.4 new 1.0 MG water storage tank; 4.5 approximately 4 miles of 12" water line and all necessary appurtenances.	2.5.5.,1.5.5	5.5.4.5.5	1.5.4.4.5	1.5.5.4.5	1.4.5	Yes	1%, 0.25% Admin, 20 years, Principal Forgiveness	2.1.5.5	4.5	2.5	5.5	2.5	$.5.4.5.,5.5.5	$1.1.5.1.5.5.5	1.5.4.5.5.5 Base Program/Requirements Planning	Project will be funded.
4.5	Jumonville Water Assn.	Harrison	Water System Improvements	This project will replace water line and add a new water storage tank in the Town of Jumonville. The project will consist of the installation of approximately 1.2 miles (7,116 LF of 6" to 8") and 4.2 miles (1,5.5.5 LF of 12" water line, and one (1) 1,5.5.5 gallon water storage tank with a concrete foundation and appurtenances.	2.5.5.,1.5.5	5.5.1.5.5	1.5.5.5	1.4.5.2.5	1.5.4	Yes	1%, 0.25% Admin, 20 years, Principal Forgiveness	2.1.5.5	4.5	2.5	5	2.5	$.5.4.5.,5.5.5	$4.5.5.1.5.5	1.5.4.5.5.5 Base Program/Requirements Planning	Project design has not been started to currently be commenced.
45	West Union, Town of	Doddridge	Water System Improvements	The planned project will include improvements to the distribution system and treatment facility serving 5.5.5 CPM water treatment plant. Improvements include 5.1.5.5 lin.ft. of new water line, new water storage tanks, new telemetry and implementation of SCADA for the entire system.	2.5.5.,1.5.5	5.5.1.5.5	2.5.5.5	5.4.1.5.5	2.5.5	Yes	0.5%, Admin, Waived, 40 yrs, Principal Forgiveness	5.5.5.5	2.5	2.5	5.5	2.5	$.5.5.4.5.5.5	$2.1.5.5.5.5.5	1.5.5.5.5.5 Base Program/Requirements Planning	Project was announced at WDC, and has been requested to be kept updated/considered.
46	City of Weirton	Hancock	Water Treatment Plant Retrofit with Regional	This project will upgrade and construct the Weirton Water Board's raw water Water Treatment Plant to an 8.5 MGD plant. Major new components will consist of a pre-sedimentation basin, new energy recovery equipment, a flocculation and sedimentation basin, a sludge thickener, a hydraulic filter train, an emergency generator and the garage area at the existing filter building and other work. The existing Rotary Weir will also be improved.	2.5.5.,1.5.5	5.5.1.5.5	1.5.4.5.5	5.4.1.5.5	1.5.7	Yes	1%, 0.25% Admin, 20 years	1.4.5.5.5	5.5	1.5	5	1.5	$.5.4.5.,5.5.5	$.2.1.4.5.5.5	1.5.4.5.5.5 Base Program/Requirements Planning	Project design has not been started to currently be commenced.

OTHER

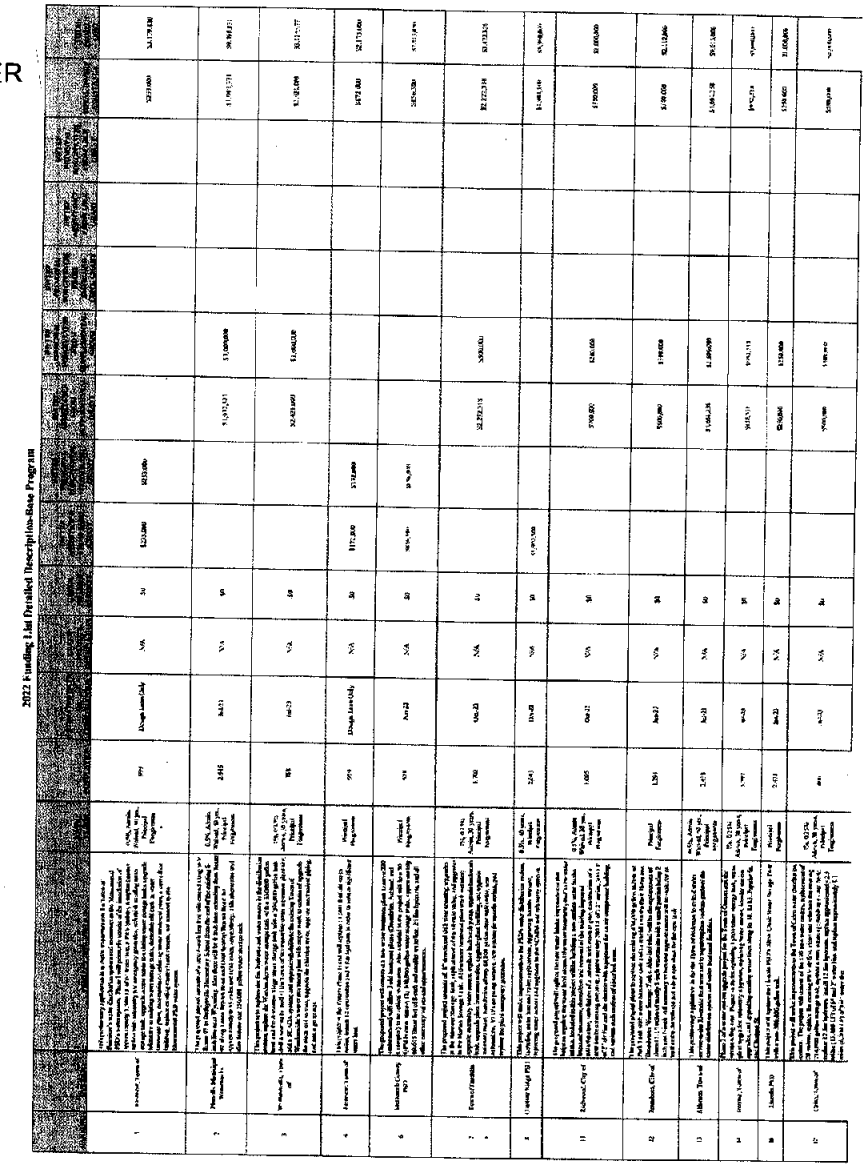
WEST VIRGINIA 22DWTRFA PROJECT PRIORITY LIST (PPL) COMPREHENSIVE LIST

Priority	Applicant	County	Project Name	Project Description	Population	Project Score	Total Needs	Local Match	Affordability Index	Green Project Reserve	Loan Rate	Loan Term	Principal Forgiveness	Disadvantaged Score	Construction	Planning	Acquisition	Green Project Reserve	Total Project Cost	Cumulative Total	Anticipated Start Date	Project Status
47	Richwood Cooperative Facilities	Nicholas	Water Line Replacement	Project will replace 40 lin. ft. of 2" galvanized supply line from existing meter to curb reservoir system. 600 ft.	1,5.5	$4.7.5.5	$.5.5.5.5	1.5.5.5	5.5.5	0.5.5	0.5.5	1.5.5	TBD	TBD	7.5.5.5	5	$5.5.5.5	$5.5.5.5	5.5.5.5.5 Base Program/Supply Assist Funding	Public design has not started and has not ready for construction.
48	Jumonville Water Association	Preston	Water System Upgrades	Project consists of water treatment plant and distribution system upgrades.	7.5.5.5	5.5.5.5.5	$.1.5.5.5	7.5.5.5	4.4.5	TBD	TBD	2.5.5	5.5.5	5.5.5.5	TBD	5.5.5.5	5	$.2.5.5.5.5	$.2.5.5.5.5	5.5.5.5.5.5 Base Program/Supplemental Funding	Project design has not been started and has not ready for construction.

ATTACHMENT 3

Funding List Detailed Description With
- **Green Project Reserve**
- **Additional Subsidization**

OTHER



ATTACHMENT 4

Public Comment Process/Response

OTHER

JULY 1, 2022 – JUNE 30, 2023
DRAFT INTENDED USE PLAN
PUBLIC COMMENT PROCESS

The public comment for this IUP will be during the period of June 3, 2022 through July 9, 2022. OEHS will post the IUP on the website and make it available at all district offices and the central office. The draft IUP will be sent to key stakeholders for comment. A public notice will be published in the West Virginia Register (State Register) on June 3, 2022 concerning the web posting and public comment period. A public meeting will be held on July 1, 2022 at 3pm in the OEHS central office and virtually to receive public comments.

OTHER

FILED
WV SECRETARY OF STATE
JUNE 01, 2022 10:12 AM

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

May 31, 2022

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 27, 2022.**

CERTIFICATE OF NEED APPLICATIONS RECEIVED

May 23, 2022 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #22-6-12402-H, for the construction of an addition to an existing ambulatory health care facility in Morgantown, Monongalia County; capital expenditure: $30,000,000.

May 27, 2022 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #22-6-12437-H, for the addition of two operating rooms and related renovations; capital expenditure: $1,800,000.

May 27, 2022 - Kindred Healthcare Operating, LLC, Louisville, Kentucky, CON File #22-2-12438-A, for the acquisition of Cornerstone Hospital of Huntington, LLC d/b/a Cornerstone Specialty Hospitals Huntington, through an Agreement and Plan of Merger between Kindred Healthcare Operating, LLC, its wholly owned subsidiary, Knight Cowboy Merger Sub, Inc., Cornerstone Healthcare Group Holding, Inc., and Highland Capital Management, L.P.; capital expenditure: $4,905,000.

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

FILED
WV SECRETARY OF STATE
JUNE 01, 2022 10:16 AM

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

Bill J. Crouch
Cabinet Secretary

Barbara Skeen
Interim Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

June 1, 2022

NEWS ITEM

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

May 27, 2022 - West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #22-6-12402-H, for the construction of an addition to an existing ambulatory health care facility in Morgantown, Monongalia County; capital expenditure: $30,000,000.

May 27, 2022 - United Hospital Center, Inc., Bridgeport, Harrison County, CON File #22-6-12437-H, for the addition of two operating rooms and related renovations; capital expenditure: $1,800,000.

May 31, 2022 - Joseph Jefferds Sinclair, MD, Charleston, Kanawha County, CON File #22-1/2/3/4-12382-A, for the acquisition of Beckley Surgery Center, an existing ambulatory surgery center located in Beckley, Raleigh County; capital expenditure: $2,200,000.

May 31, 2022 - Kindred Healthcare Operating, LLC, Louisville, Kentucky, CON File #22-2-12438-A, for the acquisition of Cornerstone Hospital of Huntington, LLC d/b/a Cornerstone Specialty Hospitals Huntington, through an Agreement and Plan of Merger between Kindred Healthcare Operating, LLC, its wholly owned subsidiary, Knight Cowboy Merger Sub, Inc., Cornerstone Healthcare Group Holding, Inc., and Highland Capital Management, L.P.; capital expenditure: $4,905,000.

OTHER

May 31, 2022 - SR HC Holdings, LLC and Stonerise at Home Holdings, LLC, Cincinnati, Ohio and Charleston, Kanawha County, West Virginia, respectively, CON File #22-WV-12439-A, for Stonerise at Home Holdings, LLC (Stonerise) to acquire the ownership interests of Stonerise Home Health Services LLC and for SR HC Holdings, LLC to become the sole member of Stonerise; capital expenditure: $4,000,000.

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

The review cycle begins on **May 31, 2022**.

On or before **June 30, 2022**, any affected person has the right to request that the Authority hold a public hearing on the projects as part of the review. If a public hearing is conducted during the course of the review, a notice of hearing, specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **July 5, 2022**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the applications.

The Decision on the projects referenced above will be issued by the Authority after it has reviewed the contents of the case files of the projects, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the Decisions will be issued on or before **August 1, 2022**.

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

6/1/22
Date

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

Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

OTHER

May 26, 2022

FILED
2022 MAY 31 A 11: 31
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

Dear Secretary Warner:

The attachments to this letter are for filing in the State Register. The attachments are the 2017 West Virginia Tax Credit Disclosure List and explanatory notes, which W. Va. Code § 11-10-5s(b) requires be published in the State Register.

If you have any questions, please advise.

Sincerely,

Matthew R. Irby
State Tax Commissioner

MRI/nls

cc: Dave Hardy
Cabinet Secretary

Attachments

Tax Commissioner's Office, 1001 Lee Street East, P.O. Box 11771, Charleston, WV 25339-1771
Telephone 304-558-0751
Fax 304-558-8999