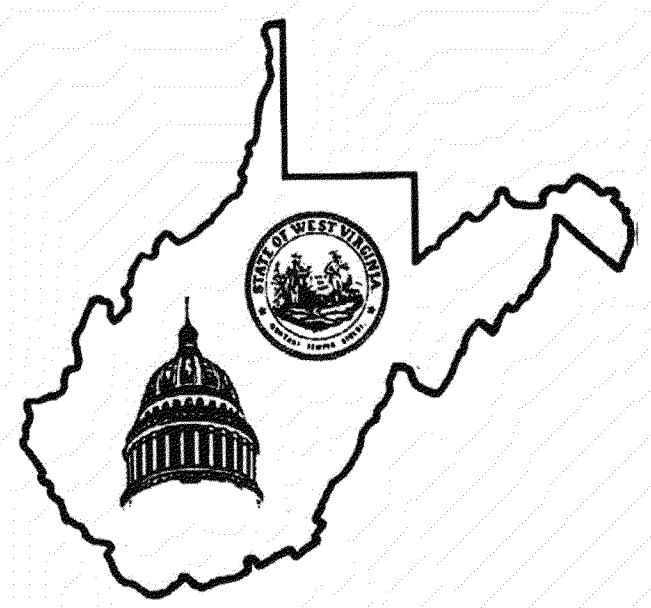

WEST VIRGINIA REGISTER

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A Weekly Publication

Administrative Law Division

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Secretary of State
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Grievances Report

Office of Tax Appeal Decisions

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Attorney General Opinions

Other Documents or Information Filed

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

Bureau for Public Health, Office of Environmental Health Services

Corrections and Rehabilitation

Economic Development, WV Dept. of

Ethics Commission

Health

Health Care Authority

Registered Nurses, WV Bd. Of

Veterinary Medicine

CHRONOLOGICAL INDEX, VOLUME XL ISSUE 20			
RULES FILED FOR PUBLIC COMMENT THIS WEEK			
AGENCY	**RULE/TYPE**	**AUTHORITY**	**HEARING/COMMENT PERIOD/LOCATION**
Ethics Commission (158-12)	Lobbying Legislative	§6B-3-1, 6B-3-2, 6B-3-3, 6B-3-3a, 6B3-3c, 6B3-4, 6B-3-5, 6B-3-6, 6B-3-7, 6B-3-9, and 6B-3-11	Written Comments Only: June 16, 2023, 4:30pm WV Ethics Commission Attn: Theresa M. Kirk 210 Brooks Street, Suite 300 Charleston, WV 25301 theresa.m.kirk@wv.gov
Health (64-04)	Public Water Systems Operators Legislative	§16-1-4	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-05)	Wastewater Systems and Operators Legislative	§16-1-4(c)	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	§16-1-4 and 16-1-9a	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-30)	Fees for Permits Legislative	§16-1-4	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-51)	Fees for Services Legislative	§16-1-4	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov

Health (64-84)	Medical Examiner Requirements for Postmortem Inquires Legislative	§61-12-3(f) and 61-12-16	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health (64-116)	Distribution of Funds from Emergency Medical Services Salary Enhancement Fund Legislative	§16-4C-25	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov
Health Care Authority (65-32)	Certificate of Need Legislative	§16-2D-4(a) and 16-29B-8(a)(1)	Written Comments Only: June 16, 2023, 4:00pm April L. Robertson One Davis Square, Suite 100 E Charleston, WV 25301 april.l.robertson@wv.gov

EMERGENCY RULES FILED THIS WEEK				
AGENCY/RULE	**RULE NAME**	**AUTHORITY**	**EFFECTIVE DATE**	**COMMENT END DATE**
Health (64-116)	Distribution of Funds from Emergency Medical Services Salary Enhancement Fund	§16-4C-25(b)	Effective May 18, 2023	June 16, 2023

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State Capitol
Charleston, West Virginia 25305

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State of West Virginia

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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
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TITLE	76	SENIOR SERVICES
TITLE	78	HUMAN SERVICES
TITLE	81	STATE POLICE
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TITLE	89	PUBLIC DEFENDER SERVICES
TITLE	90	CORRECTIONS
TITLE	91	MOTOR VEHICLES
TITLE	94	REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY
TITLE	110	TAX DEPARTMENT
TITLE	112	TREASURER
TITLE	114	INSURANCE COMMISSION
TITLE	126	EDUCATION
TITLE	127	SECONDARY SCHOOLS ACTIVITIES COMMISSION
TITLE	133	HIGHER EDUCATION POLICY COMMISSION
TITLE	135	COMMUNITY AND TECHNICAL COLLEGE EDUCATION
TITLE	143	PERSONNEL
TITLE	144	TOURISM
TITLE	145	DEVELOPMENT OFFICE
TITLE	146	STATE ELECTION COMMISSION
TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
TITLE	150	PUBLIC SERVICE COMMISSION
TITLE	153	SECRETARY OF STATE
TITLE	155	AUDITOR
TITLE	157	HIGWAYS
TITLE	164	SCHOOL BUILDING AUTHORITY
TITLE	174	REAL ESTATE COMMISSION
TITLE	175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE	176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE	177	ATHLETIC COMMISSION
TITLE	178	RACING COMMISSION
TITLE	179	LOTTERY COMMISSION
TITLE	190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-01)	Board Rules and Rules of Professional Conduct Legislative	5/10/2023	6/30/2023						
Administration (148-01)	Purchasing Legislative	6/28/2022	7/28/2022	6/13/2022 Approved 6/13/2022	7/28/2022	Approved 9/11/2022	Bundled HB2638	4/14/2023	7/1/2023
Administration (148-03) Sunset Provision	State Owned Vehicles Legislative				10/25/2022				
Agriculture (61-37) Sunset Provision	Agritourism Legislative				12/15/2022				
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	6/1/2022	7/5/2022		7/21/2022	Approved 9/11/2022	Bundled HB2640	3/31/2023	6/1/2023
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	6/1/2022	7/5/2022		7/21/2022	Approved 9/11/2022	Bundled HB2640	3/31/2023	6/1/2023
Athletic Commission (177-01)	Administrative Rule of the WV State Athletic Commission Legislative	6/3/2022	7/5/2022		7/26/2022	Modified & Approved 9/11/2022 Filed 10/20/2022	Bundled SB361	5/9/2023	7/1/2023
Athletic Commission (177-02)	Regulation of Mixed Martial Arts Legislative	6/7/2022	7/8/2022		7/27/2022	Modified & Approved 9/11/2022 Filed 10/20/2022	Bundled SB361	5/9/2023	7/1/2023
Barbers and Cosmetologists (3-01)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Nail Technicians, Aestheticians, and Hair Stylists Legislative	4/12/2023	5/31/2023						
Barbers and Cosmetologists (3-15)	Application For Waiver Of Initial Licensing Fees For Certain Individuals Legislative	4/7/2023	5/15/2023						
Barbers and Cosmetologists (3-16)	Cosmetology Apprenticeship Legislative	4/10/2023	5/31/2023						
Dentistry (5-10)	Practitioner Requirements for Accessing the West Virginia Controlled Substances Monitoring Program Database Legislative	4/19/2023	5/22/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Dietitians (31-01)	Licensure And Renewal Requirements Legislative	3/14/2023	4/14/2023		4/25/2023				
Dietitians (31-05)	Continuing Professional Education Requirements Legislative	3/14/2023	4/14/2023		4/25/2023				
Economic Development, WV Dept. of (145-15)	Small Business Innovation Research and Small Business Technology Transfer Matching Funds Program Legislative	6/28/2022	7/28/2022		7/29/2022	Modified & Approved 9/15/2022 Filed 11/1/2022	Bundled SB409	5/16/2023	5/16/2023
Education (126-044BB)	West Virginia College-and Career-Readiness Standards for Mathematics (Policy 2520.2B) Legislative Exempt	4/13/2023	5/15/2023						
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (Policy 5202) Legislative Exempt	4/13/2023	5/15/2023						
Education (126-161)	Regulations for Alternative Certification Programs for the Education of Teachers (Policy 5901) Legislative Exempt	5/11/2023	6/12/2023						
Education (126-176)	School Closings or Consolidations (Policy 6204) Legislative Exempt	5/11/2023	6/12/2023						
Environmental Protection, Secretary's Office (60-10)	Purchasing Procedure Procedural	10/17/2022	11/22/2022					5/9/2023	6/12/2023
Ethics Commission (158-12)	Lobbying Legislative	5/16/2023	6/16/2023						
Financial Institutions, Div. of (106-23)	Rule Pertaining to Money Transmission Services Legislative	6/3/2022	7/5/2022		7/27/2022	Modified & Approved 9/11/2022 Filed 9/19/2022	Bundled SB345	4/14/2023	7/1/2023
Health (64-04)	Public Water Systems Operators Legislative	5/17/2023	6/16/2023						
Health (64-05)	Wastewater Systems and Operators Legislative	5/17/2023	6/16/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-14) Sunset Provision	Assisted Living Facilities Legislative				2/16/2023				
Health (64-15)	Cross-Connection Control and Backflow Prevention Legislative	5/17/2023	6/16/2023						
Health (64-30)	Fees for Permits Legislative	5/17/2023	6/16/2023						
Health (64-51)	Fees for Services Legislative	5/17/2023	6/16/2023						
Health (64-84)	Medical Examiner Requirements for Postmortem Inquires Legislative	5/17/2023	6/16/2023						
Health (64-91) Sunset Provision	Newborn Screening System Legislative				2/16/2023				
Health (64-116)	Distribution of Funds from Emergency Medical Services Salary Enhancement Fund Legislative	5/17/2023	6/16/2023	5/18/2023 Effective 5/18/2023					
Health and Human Resources (69-08) Sunset Provision	Chronic Pain Management Clinic Licensure Legislative				2/16/2023				
Health and Human Resources (69-12) Sunset Provision	Medication Assisted Treatment-Office-Based Medication-Assisted Treatment Legislative				2/16/2023				
Health Care Authority (65-06) Sunset Provision	Cooperative Agreement Approval and Compliance Legislative				10/5/2022				
Health Care Authority (65-32)	Certificate of Need Legislative	5/17/2023	6/16/2023						
Human Services (78-03)	Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults and Vulnerable and Transitioning Youth Group Homes and Programs in WV Legislative	6/22/2022	7/22/2022		7/27/2022	Approved 9/28/2022	Bundled HB2648	3/30/2023	6/28/2023

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-11B)	Suitability in Annuity Transactions Legislative	6/2/2022	7/5/2022		7/19/2022	Approved 9/11/2022	Bundled SB345	3/29/2023	6/8/2023
Insurance Comm. (114-27) Sunset Provision	Aids Regulations Legislative				3/29/2023				
Labor (42-08)	Minimum Wage, Maximum Hours, and Overtime Compensation Legislative	5/4/2023	6/5/2023						
Labor (42-18)	Board Organization and Meeting Procedures, Hearing Procedures Procedural	3/29/2023	4/28/2023					5/2/2023	6/5/2023
Medicine (11-01A)	Licensing of Physicians and Podiatric Physicians and Disciplinary Procedures for Applicants, Licensees, Credential Holders Legislative	6/24/2022	7/25/2022	6/24/2022 Effective 8/5/2022	7/27/2022	Approved 9/11/2022	Bundled SB361	5/10/2023	6/1/2023
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/24/2022	7/25/2022	6/24/2022 Effective 8/5/2022	7/27/2022	Approved 9/11/2022	Bundled SB361	5/10/2023	6/1/2023
Medicine (11-08)	Collaborative Pharmacy Practice Legislative	6/29/2022	7/29/2022	7/29/2022 Approved 8/11/2022	7/29/2022	Approved 9/11/2022	Bundled SB361	5/10/2023	6/1/2023
Medicine (11-12) Sunset Provision	Permitting and Disciplinary Procedures: Educational Permits for Graduate Medical Interns, Residents and Fellows Legislative				11/21/2022				
Medicine (11-16)	Prohibiting Sexual Misconduct by Health Care Practitioners Legislative	6/24/2022	7/25/2022		7/28/2022	Approved 9/11/2022	Bundled SB361	5/10/2023	6/1/2023
Nursing Home Administrators Licensing Board (21-01)	Nursing Home Administrators Legislative	5/8/2023	6/8/2023						
Prosecuting Attorneys Institute (168-01)	Payment for Costs of Forensic Medical Examination Procedural	5/1/2023	6/1/2023						
Psychologists (17-02)	Organization and Procedures of the Board of Examiners of Psychologistss Procedural	5/9/2023	6/12/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150-25)	Rules Governing Emergency Telephone Service Legislative Exempt	4/10/2023	6/9/2023						
Respiratory Care (30-09)	Student Temporary Permit Legislative	4/28/2023	6/1/2023						
Secondary School Activities Commission (127-01)	Constitution (WVSSAC Series 1) Legislative Exempt	5/11/2023	6/12/2023						
Secondary School Activities Commission (127-02)	Athletics, Provisions Governing Eligibility (WVSSAC Series 2) Legislative Exempt	5/11/2023	6/12/2023						
Secondary School Activities Commission (127-03)	Provisions Governing Contests (WVSSAC Series 3) Legislative Exempt	5/11/2023	6/12/2023						
Secondary School Activities Commission (127-04)	Provisions Governing Conduct (WVSSAC Series 4) Legislative Exempt	5/11/2023	6/12/2023						
Secretary of State (153-01)	Electronic Filing and Formatting of Rules Procedural	3/29/2023	4/28/2023					4/28/2023	5/28/2023
Tax (110-15K) Sunset Provision	Aircraft Operated Under A Fractional Ownership Program Legislative				3/28/2023				
Tax (110-21B) Sunset Provision	Citizen Tax Credit for Property Taxes Paid Legislative				12/30/2022				
Tax (110-49) Sunset Provision	Administration of Tax on Purchases of Wine and Liquor Legislative				12/30/2022				
Tax Appeals (121-01)	Rules of Practice and Procedure Before the West Virginia Office of Tax Appeals Procedural	12/19/2022	1/23/2023						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
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 Admendment 10/13/2022 Effective 11/24/2022 Amendment 1/4/2023 Effective 2/15/2023	4/21/2022	Modified & Approved 1/25/2023 Filed 1/25/2023	Bundled SB361	4/13/2023	6/15/2023
Underground Facilities Damage Prevention Board (214-02)	Rules of Procedure for Complaints and Contested Cases Before the West Virginia Underground Facilities Damage Prevention Board Procedural	4/28/2023	5/29/2023						

FILED

2023 MAY 17 A 9:04 LEGISLATIVE

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
129.06	01 June 2023	Hours, Schedules, and Overtime
454.11	01 June 2023	Nonviolent Offense Parole Program
457.09	01 June 2023	Release Transportation for Inmates
505.00	01 June 2023	Visitation Procedures for Adult Facilities

WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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5/16/2023 2:44:40 PM

Office of West Virginia
Secretary Of State

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

AGENCY: Economic Development WV Department of TITLE-SERIES: 145-15

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

RULE NAME: SMALL BUSINESS INNOVATION RESEARCH AND SMALL BUSINESS TECHNOLOGY TRANSFER MATCHING FUNDS PROGRAM

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

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

Authorization is cited in (house or senate bill number) Senate Bill 409

Section 64-10-1 Passed On 3/10/2023 12:00:00 AM

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

May 16, 2023

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

August 01, 2028

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

Yes

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

WEST VIRGINIA SECRETARY OF STATE
MAC WARNER
ADMINISTRATIVE LAW DIVISION

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5/16/2023 11:56:37 AM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Ethics Commission TITLE-SERIES: 158-12

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

RULE NAME: Lobbying

CITE STATUTORY AUTHORITY: W. Va. Code §§ 6B-3-1, 6B-3-2, 6B-3-3, 6B-3-3a, 6B-3-3c, 6B-3-4, 6B-3-5, 6B-3-6, 6B-3-7, 6B-3-9, and 6B-3-11.

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:30 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: WV Ethics Commission Attn: Theresa M. Kirk

ADDRESS: 210 Brooks Street, Suite 300

Charleston, WV 25301

EMAIL: theresa.m.kirk@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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5/17/2023 12:54:38 PM
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NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health TITLE-SERIES: 64-04

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

RULE NAME: Public Water Systems Operators

CITE STATUTORY AUTHORITY: 16-1-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@wv.gov

PLEASE INDICATE IF THIS FILING INCLUDES:

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

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INCORPORATED BY REFERENCE: No

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5/17/2023 11:56:29 AM
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LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-05

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: WASTEWATER SYSTEMS AND OPERATORS

CITE STATUTORY AUTHORITY: 16-1-4(c)

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

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

EMAIL: april.l.robertson@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

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5/17/2023 12:06:38 PM
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Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-15

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Cross-Connection Control and Backflow Prevention

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

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

EMAIL: april.l.robertson@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
5/17/2023 12:22:46 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-30

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Fees for Permits

CITE STATUTORY AUTHORITY: 16-1-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@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

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5/17/2023 12:38:25 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-51

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Fees for Services

CITE STATUTORY AUTHORITY: 16-1-4

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@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
5/17/2023 12:47:48 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-84

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: MEDICAL EXAMINER REQUIREMENTS FOR POSTMORTEM INQUIRIES

CITE STATUTORY AUTHORITY: 61-12-3(f) and 61-12-16

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@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

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5/17/2023 12:12:06 PM
Office of West Virginia
Secretary Of State

NOTICE OF PUBLIC COMMENT PERIOD

AGENCY: Health

TITLE-SERIES: 64-116

RULE TYPE: Legislative

Amendment to Existing Rule: No

Repeal of existing rule: No

RULE NAME: Distribution of Funds from Emergency Medical Services Salary Enhancement Fund

CITE STATUTORY AUTHORITY: 16-4C-25

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@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
5/17/2023 3:07:51 PM
Office of West Virginia
Secretary Of State

LEGISLATIVE

NOTICE OF PUBLIC COMMENT PERIOD

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

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

RULE NAME: Certificate of Need

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

COMMENTS LIMITED TO:

Written

DATE OF PUBLIC HEARING:

LOCATION OF PUBLIC HEARING:

DATE WRITTEN COMMENT PERIOD ENDS: 06/16/2023 4:00 PM

COMMENTS MAY BE MAILED OR EMAILED TO:

NAME: April L Robertson

ADDRESS: One Davis Square, Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@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

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5/18/2023 2:23:15 PM

Office of West Virginia
Secretary Of State

EMERGENCY

NOTICE OF AN EMERGENCY RULE

AGENCY: Health

TITLE-SERIES: 64-116

RULE TYPE: Legislative

Amendment to Existing Rule: No

RULE NAME: Distribution of Funds from Emergency Medical Services Salary Enhancement Fund

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

16-4C-25

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 16-4C-25(b)

PRIMARY CONTACT:

NAME: April L Robertson

ADDRESS: One Davis Square Suite 100 E

Charleston, WV 25301

EMAIL: april.l.robertson@wv.gov

PHONE NUMBER: 304-558-9149

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:

FILED

2023 MAY 18 P 4: 55

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Health

RULE: 64-116 Distribution of Funds from Emergency Medical Services Salary Enhancement Fund

STATUTORY AUTHORITY: 16-4C-25

DATE FILED AS AN EMERGENCY RULE: 5/18/2023

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

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

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

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

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

Additional notes or comments (if any): N/a

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

Orders Report

Docket Number	Agency	Respondent	Date Rendered
N/A	Registered Nurses, WV Board of	Samantha Beth Wright	5/17/2023
BVMCE0S23B	Veterinary Medicine	Allison Dascoli, DVM	5/11/2023

5/19/2023 8:40:54 AM

FILED
WV SECRETARY OF STATE
MAY 18, 2023 08:40 AM

OTHER

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Services

Jeffrey H. Coben, MD
Interim Cabinet Secretary

Matthew Q. Christiansen, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

TO: Interested Parties

FROM: Logan R. Davis
Drinking Water Treatment Revolving Fund

DATE: May 18, 2023

SUBJECT: Categorical Exclusion Decision (CE)
Huttonsville PSD Line Upgrade and Replacement Project

A copy of the Huttonsville PSD Line Upgrade and Replacement Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), and Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Christopher Thomas, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail christopher.w.thomas@wv.gov.

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

Distribution List (via email):

Huttonsville PSD
West Virginia Infrastructure and Jobs Development Council
West Virginia Water Development Authority
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Kennon Chambers, Ghosh Engineers
OEHS Fairmont District Office

CATEGORICAL EXCLUSION DECISION

OTHER

(May 18, 2023)

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Huttonsville PSD
Randolph County, WV
WVIJDC Project #: **2023W-2312**
SRF Project #: TBD
Line Upgrade and Replacement Project

(Official Project Name and Number)

Huttonsville Public Service Water District
P.O. BOX 277
Mill Creek, West Virginia 26280

(Project Applicant)

Huttonsville PSD
Randolph County, WV

(Project Location, City, County, State)

$ 2,400,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 2,400,000

(Estimated Total Project Cost)

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

PROPOSED ACTION:

This project proposes to replace existing 18-inch water line that is subject to persistent breakage. This will involve the installation of 0.8 miles of 18-inch and 0.7 miles of 16-inch PVC water main lines, all other necessary valves and appurtenances.

ENVIRONMENTAL BENEFITS:

The existing 18-inch water line was completed in 2015 and since 2017 has had continual breaks. Since the pressure class of the pipe that was specified very closely matches the actual static pressure of the distribution system, the PSD's operators regularly run the plant at a reduced capacity. During times of breakages, the PSD has faced difficulty in providing adequate service to customers including the Huttonsville Correctional Center, and has had to purchase water from the City of Elkins to maintain service. With the replacement of the existing water line that is prone to breakage, the PSD plant can have the option to run at full capacity, reduce water loss, and the town will not have to purchase water from other cities.

CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program-specific subparts of this regulation.

Criteria that would prevent the use of a categorical exclusion are found in 40 CFR §6.107(e) summarized as follows:

3. The action may have a significant effect on the quality of the human environment, or 4. The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resources, or other identified resource areas of concern; or 5. The action is not cost-effective or may cause public controversy.

ANALYSIS:

The proposed project meets the criteria for a categorical exclusion. It involves the replacement of existing 18'' water line that has had numerous failures. The installation of a new 18'' line beside the existing line will allow the treatment plant to continue regular operation without extended shutdowns. This new installation will ensure the long-term viability of the PSD's main transmission line from the treatment plant and reduce interruptions due to persistent breaks in the existing line. This project will run adjacent to the existing infrastructure and will be on previously disturbed ground. The current unaccounted-for water is approximately 16%, and with the installation of new lines, it can be expected that the unaccounted-for water will reduce.

ENERGY EFFICIENCY AND CLIMATE CHANGE EFFECTS

The air quality at the project location will be impacted. Pollutants will be released into the air from a variety of different things such as the construction equipment that will be used, the soil as it is being repositioned, any waste that occurs throughout the construction process, and other factors. The contractor shall prioritize limiting all possible pollutants affecting air quality. With the contractor mitigating air pollutants and the project's overall goal to reduce water loss associated with this water line, it can be determined that there will be a negligible net change in greenhouse gases anticipated for this project. There should not be any negative impacts on the surrounding environmental resources since all infrastructure is underground. An Energy Efficiency datasheet was developed for this project, and no electrical components will be installed as part of the project.

FLOODPLAIN MANAGEMENT ANALYSIS

All infrastructure installed as part of this project will be buried. The ground elevation at the lowest point of the water line replacement is 9 feet greater than the closest 100-year floodplain elevation. This satisfies the requirements of having the project components above the 100-year floodplain plus three feet.

REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following:

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state, or local laws may be violated.

DOCUMENTATION:

1. Huttonsville PSD Preliminary Design Report dated January 2023 as prepared by Ghosh Engineers, Inc.
2. Huttonsville PSD Line Upgrade and Replacement 2023W-2312 TECH Review dated February 21, 2023
3. Review of Energy Efficiency dated April 12, 2023, as prepared by Ghosh Engineers, Inc.
4. Categorical Exclusion Determination Checklist dated April 12, 2023, as prepared by Kennon Chambers, PE.
5. Email regarding floodplain verification with Kennon Chambers dated April 24, 2023

OTHER

FILED
WV SECRETARY OF STATE
MAY 18, 2023 09:34 AM

STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Bureau for Public Health
Office of Environmental Health Services

Jeffrey H. Coben, MD
Interim Cabinet Secretary

Matthew Q. Christiansen, MD, MPH
Commissioner & State Health Officer

MEMORANDUM

TO: Interested Parties

FROM: Robert Moore
Drinking Water Treatment Revolving Fund

DATE: May 18, 2023

SUBJECT: Categorical Exclusion Decision (CE)
Midland PSD Faulkner Road Water Line Extension Project

A copy of the Midland PSD Faulkner Road Water Line Extension Project Categorical Exclusion Decision (CE) is enclosed for your records.

The review process concluded that the proposed action is consistent with the categories of actions eligible for categorical exclusion. This means that environmental information documents and environmental assessments or environmental impact statements **will not** be required for this project and the project is authorized to proceed forward.

This decision is based upon a careful review of supporting documents provided by the applicant and other documentation available to the West Virginia Bureau of Public Health (WVBPH). These documents are on file with the WVBPH, Office of Environmental Health Services (OEHS), Environmental Engineering Division (EED), and are available for review upon request.

Comments on this decision may be submitted for consideration to WVBPH/OEHS/EED, attention Christopher Thomas, 350 Capitol Street, Room 313 Charleston, WV 25301-3713; or you may fax your comments to (304) 558-0691 or e-mail christopher.w.thomas@wv.gov.

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981 / Fax: (304) 558-0691

Distribution List (via email):

Midland PSD
West Virginia Infrastructure and Jobs Development Council
West Virginia Water Development Authority
West Virginia Division of Natural Resources
West Virginia Bureau of Public Health
West Virginia Department of Environmental Protection
Division of Culture & History
U.S. Fish and Wildlife Service
Department of the Army
State Register Publication
Danny Braham, The Thrasher Group, Inc.
OEHS Fairmont District Office

OTHER

CATEGORICAL EXCLUSION DECISION

(May 18, 2023)

TO: ALL INTERESTED PARTIES

In accordance with the Environmental Protection Agency (EPA) regulations for complying with the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190), a review has been performed on a request for a categorical exclusion for the environmental review requirements under NEPA, for the proposed action described below:

Midland PSD
Randolph County, WV
WVIJDC Project #: **2022W-2152**
SRF Project #: TBD
Faulkner Road Line Extension Project

(Official Project Name and Number)

Midland Public Service District
P.O. Box 544
Elkins, West Virginia 26241

(Project Applicant)

Midland PSD
Randolph County, WV

(Project Location, City, County, State)

$ 515,000

(Estimated Drinking Water Treatment Revolving Fund Financial Share)

$ 3,765,000

(Estimated Total Project Cost)

PROJECT SUMMARY FOR CATEGORICAL EXCLUSION

OTHER

PROPOSED ACTION:

This project is to extend water service to 130 new customers in the Faulkner Road and community of Bowden. The project will consist of the installation of approximately 4.0 miles of 6-inch, 0.2 miles of 4-inch, and 0.8 miles of 2-inch water lines, and all other necessary valves and appurtenances.

ENVIRONMENTAL BENEFITS:

Residents along Faulkner Road in the community of Bowden do not currently have access to a reliable source of potable water and rely on well water. The environmental benefits of this project will come from the fact that the residents will have a reliable water supply to depend on that meets the requirements of the Safe Drinking Water Act. Other than temporary disturbance from construction activities, there should be no adverse environmental impact associated with the project.

CATEGORICAL EXCLUSION CRITERIA:

EPA regulation 40 CFR 6.106(d) permits the use of categorical exclusions from substantive environmental requirements of the National Environmental Policy Act (NEPA) for:

1. Actions which are solely directed toward minor rehabilitation of existing facilities, functional replacement of equipment, or construction of ancillary facilities; or
2. Other actions specifically allowed in program-specific subparts of this regulation.

Criteria that would prevent the use of a categorical exclusion are found in 40 CFR §6.107(e) summarized as follows:

1. The action may have a significant effect on the quality of the human environment, or
2. The action may affect cultural resource areas, endangered or threatened species, environmentally important natural resources, or other identified resource areas of concern; or
3. The action is not cost-effective or may cause public controversy.

ANALYSIS:

The proposed project meets the criteria for a categorical exclusion. The new waterline will be installed in previously disturbed areas within the WV Division of Highways' rights of way. No tree clearing will be required for the water line installation. All work is expected to have no adverse environmental impact.

ENERGY EFFICIENCY AND CLIMATE CHANGE EFFECTS

An energy efficiency evaluation was not needed because this project does not include any energy consuming electrical equipment. A greenhouse gases evaluation was conducted for this project. For this line extension project it is assumed that there is no net change in the release of greenhouse gases due to the project. When providing water to new customers that have been acquiring their household's water through either a private well which runs on a pump or by hauling water using vehicles these private collection methods and the greenhouse gases released will cease. With the extension project, there may be an increase in the production capacity and plant operating time, but the increase in greenhouse gases will be offset by ending what the private water collection methods released.

FLOODPLAIN MANAGEMENT ANALYSIS

Portions of the Project area lie within the 100-year floodplain of Shavers Fork. Sections of this water line extension will be installed within the 100-year flood elevation; however, all sections of water line will be installed a minimum of 3 feet below ground elevation to comply with WV BPH design standards and to protect the water line from flood damage. While the project will involve temporary impacts to wetlands and work within the floodplain, there will be no permanent impacts to either resource and the areas will be restored to pre-construction conditions and contours upon completion of the project. There will be no changes to any 100- year floodplain elevation. Prior to construction a floodplain development permit will be obtained from the Randolph County Office of Emergency Management.

REVOCATION:

This conclusion can be revoked if additional and/or future information indicates any of the following:

1. The proposed action no longer meets the defined category due to changes in the proposed action;
2. Serious local or environmental issues now exist; and/or
3. Federal, state or local laws may be violated.

DOCUMENTATION:

1. Midland PSD Preliminary Engineering Report dated May 2022 as prepared by The Thrasher Group, Inc.
2. Midland PSD Faulkner Road Water Line Extension Project 2022W-2152 TECH Review dated July 26, 2022.
3. Review of Energy Efficiency dated April 26, 2023 as prepared by The Thrasher Group, Inc.
4. Categorical Exclusion Determination Checklist dated April 19, 2023 as prepared by The Thrasher Group, Inc.
5. Email regarding floodplain verification with Kevin S. Watkins, Daniel E. Ferrell and Danny L. Braham of The Thrasher Group, Inc. dated April 26, 2023.

FILED
WV SECRETARY OF STATE
MAY 15, 2023 03:01 PM

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

May 15, 2023

LEGAL NOTICE

The West Virginia Health Care Authority announces the following Certificate of Need activities for the week ending **May 12, 2023**.

LETTER OF INTENT RECEIVED

May 9, 2023- Monongalia County General Hospital Company, d/b/a Mon Health Medical Center (MHMC), CON File #23-6-12680-P, to establish an ambulatory health care facility by acquiring the assets of an existing physician's practice, a lease of real property, and the employment of the existing physicians at 3132 Collins Ferry Road Morgantown, Monongalia County, West Virginia; capital expenditure, $170,000.

PROJECTS EXEMPT FROM REVIEW

May 8, 2023- Envision Medical Care, LLC, CON File #23-5-12663-X, for the renewal of their office-based medication-assisted treatment program to be located at 111 Court Street, S Ste B, Ripley, Jackson County, West Virginia.

May 8, 2023- Genesis WV Holdings, LLC, CON File #23-6/11-12662-X, for (1) the transfer of five dually certified skilled nursing beds from 840 Lee Road Operations LLC d/b/a Brightwood Center, located at 840 Lee Road, Follansbee, Brooke County, West Virginia to 161 Bakers Ridge Road Operations LLC d/b/a Madison Center, located at 161 Bakers Ridge Road, Morgantown, Monongalia County, West Virginia and (2) the transfer of five Medicare licensed beds from Madison to Brightwood, West Virginia.

May 8, 2023- Mountain Care Network, LLC, CON File #23-3-12675-X, for the development of behavioral health services and office-based medication assisted treatment (OBMAT) located at 139 State Street, Madison, Boone County, West Virginia.

May 8, 2023- Mountain Care Network, LLC, CON File #23-2-12677-X, for the development of behavioral health services and office-based medication assisted treatment (OBMAT) located at 214 Dingess Street, Logan, Logan County, West Virginia.

May 8, 2023- Spradling Medical & Treatment, CON File #23-3-12676-X, for the development of a Office-Based Medication-Assisted Treatment (OBMAT) facility to be located in Putnam County, West Virginia.

OTHER

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

FILED
WV SECRETARY OF STATE
MAY 16, 2023 09:36 AM

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

Jeffrey H. Coben, MD
Interim Cabinet Secretary

Stacy L. Pridemore
Executive Director

NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

May 16, 2023

NEWS ITEM

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

April 21, 2023 - Grant Memorial Hospital, headquartered in Petersburg, Grant County, WV, CON File# 23-8-12670-E, to provide fixed site magnetic resonance imaging services. Capital Expenditure $2,393,000.

May 2, 2023 - Thomas Memorial Hospital, CON File# 23-3-12679-P, for the development of an ambulatory care facility in Kanawha County, WV, through the relocation of its outpatient physical therapy, occupational therapy and speech language pathology and the development of cardiopulmonary rehabilitation services. Capital Expenditure $307,000.

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 15, 2023.**

On or before **June 14, 2023**, 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 **June 21, 2023**. 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 project 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 Decision will be issued on or before **July 14, 2023**.

A press release will be issued after the Decision is made. Anyone wishing to be directly notified of the Decision should submit a written request to Timothy E. Adkins, Interim Director, Certificate of Need, West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311. 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.

May 16, 2023
Date

Timothy E. Adkins/ef
Timothy E Adkins, Interim Director
Certificate of Need
West Virginia Health Care Authority

WEST VIRGINIA
HEALTH CARE AUTHORITY

FILED

2023 MAY 17 A 11:03

OFFICE OF WEST VIRGINIA SECRETARY OF STATE

OTHER

In Re: **SAINT FRANCIS HOSPITAL AND THS PHYSICIAN PARTNERS, INC.**
CON File # 23-3-12654-P

HEARING ORDER

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

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

1. Hearing date: **August 15, 2023, at 9:00 a.m.**

2. Prehearing conference date: **August 8, 2023, at 1:30 p.m.**

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

4. All replacement pages to CON application to be filed by: **June 2, 2023**
   Pursuant to W. Va. Code St. R. §65-32-6, if the applicant submits a substantial amendment to the application the Authority may withdraw the application from review. The board may examine the extent of additional information or any amendment made by the applicant to the application and its impact on the new institutional health service, and determine the application to be a new proposal subject to a new review cycle.

5. Motions for discovery to be filed by: **June 20, 2023**

6. Discovery completed on or before: **July 20, 2023**
   Parties engaging in discovery are required to file a copy of the certificate of service attached to the discovery request or response with the board. Affected parties shall not file copies of the actual discovery and responses with the board. To the extent that an affected party intends to introduce a document obtained through the discovery process at the administrative hearing, the document and two (2) copies must be filed at the prehearing conference.

7. Dispositive and preliminary motions to be filed by: **July 31, 2023**
   Parties shall file all prehearing motions with the board a minimum of three (3) days prior to the prehearing conference.

8. All requests for subpoenas and/or subpoenas duces tecum to be filed by: **July 31, 2023**

Entered this 15th day of May, 2023.

Heather A. Connolly /du

Heather A. Connolly
Assistant Attorney General
Counsel for the West Virginia Health Care Authority

OTHER

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

FILED
2023 MAY 17 A 11:03
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Jeffrey H. Coben, MD
Interim Cabinet Secretary

Stacy Pridemore
Executive Director

In Re:

SAINT FRANCIS HOSPITAL AND THS PHYSICIAN PARTNERS, INC.
CON File No. 23-3-12654-P

NOTICE OF PREHEARING CONFERENCE
AND ADMINISTRATIVE HEARING

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

A PREHEARING CONFERENCE will be held, **August 8, 2023, at 1:30 p.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

AN ADMINISTRATIVE HEARING will be held, **August 15, 2023, at 9:00 a.m.**, in the Large Conference Room of the West Virginia Health Care Authority, 100 Dee Drive, Charleston, West Virginia.

This application concerns the development of an ambulatory health care facility in Putnam County, West Virginia.

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

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

analysis prepared by expert witnesses including any financial reports and any other procedural matters. The prehearing conference will be conducted in conformance to Rule 16, West Virginia Rules of Civil Procedure for pretrial conferences.

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

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

The file on this application is available for examination in the offices of the Health Care Authority from 8:30 a.m. to 4:30 p.m., Monday through Friday. If you have questions concerning this matter, please contact Stacy Pridemore, Executive Director, at (304) 558-7000.

Date: May 15, 2023

Stacy Pridemore

Stacy Pridemore, Executive Director

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