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Administrative Law Division

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

(304) 558-6000

sos.wv.gov

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**This week's publication includes documents submitted
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Health Care Authority
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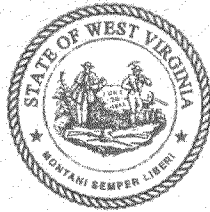
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NO RULES FILED FOR PUBLIC COMMENT THIS WEEK

<u>AGENCY</u>	<u>RULE/TYPE</u>	<u>AUTHORITY</u>	<u>HEARING/COMMENT PERIOD/LOCATION</u>

EMERGENCY RULES FILED THIS WEEK

<u>AGENCY/RULE</u>	<u>RULE NAME</u>	<u>AUTHORITY</u>	<u>EFFECTIVE DATE</u>	<u>COMMENT END DATE</u>
Agriculture (61-30, amendment)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Hemp and Kratom	§§19-12E-7, 19-12E-12, 10-12F-5	ERD by April 21, 2026	July 10, 2025



1900 Kanawha Blvd. E.
Building 1, Suite 157K
Charleston, West Virginia 25305

Kris Warner
Secretary of State
State of West Virginia

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

GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

- | | | |
|--------|-----|---|
| Column | 1. | Agency Name, (Title and Series Number) |
| Column | 2. | Rule Title 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 Amendment Filed, Emergency Rule Decision Date (ERD), and Effective Date of Emergency Rule |
| Column | 6. | Date Agency Approved Rule Filed (Legislative Rules Only) |
| Column | 7. | Review date by the Legislative Rule-Making Review Committee or Legislative Oversight Commission on Education Accountability, and Action Taken |
| Column | 8. | Legislative Action |
| Column | 9. | Date Agency Final Files the Rule |
| 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 a 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 (example: holding an additional comment period)

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 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	53	PUBLIC ENERGY AUTHORITY
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	71	OFFICE OF THE INSPECTOR GENERAL
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	103	FIRE MARSHAL
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
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TITLE	148	ADMINISTRATION
TITLE	149	CRIME, DELINQUENCY AND CORRECTIONS
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TITLE	153	SECRETARY OF STATE
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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
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RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Administration (148-25)	One-Stop-Shop Permitting Program Legislative	6/10/2025	7/25/2025	6/9/2025 Approved 6/10/2025	8/22/2025	Modified & Approved 10/2/2025 Filed 10/23/2025	HB4200 SB251 Bundled SB251		
Agriculture (61-01B) Sunset Provision	Registration Forms and Tags for Dogs of Dogs Legislative				6/23/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4265 SB312 Bundled HB4265		
Agriculture (61-08) Sunset Provision	West Virginia Grades and Standards for Apples Legislative				6/24/2025	Modified & Approved 8/13/2025 Filed 8/18/2025	HB4266 SB313 Bundled HB4265		
Agriculture (61-11)	Regulations Governing Public Markets Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4267 SB314 Bundled HB4265		
Agriculture (61-11H) Sunset Provision	Licensing of Livestock Dealers Legislative				6/23/2025	Modified & Approved 8/5/2025 Filed 8/18/2025	HB4268 SB315 Bundled HB4265		
Agriculture (61-15)	Grade "A" Pasteurized Milk Legislative	6/4/2025	7/4/2025	6/4/2025 Approved 6/10/2025	7/8/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4269 SB316 Bundled HB4265		
Agriculture (61-30)	Select Plant-Based Derivatives and Select Plant-Based Derivative Products-Hemp and Kratom Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 6/10/2025 Amendment 3/10/2026 ERD by 4/21/2026	7/25/2025	Modified & Approved 10/8/2025 Filed 12/4/2025	HB4270 SB317 Bundled HB4265		
Agriculture (61-37)	Agritourism Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4271 SB318 Bundled HB4265		
Agriculture (61-40) Sunset Provision	WV Exempted Dairy Farms and Milk and Milk Products Processing Rules Legislative				3/6/2025	Modified & Approved 8/5/2025 Filed 8/20/2025	HB4272 SB310 Bundled HB4265		
Air Quality (45-01)	Alternative Emission Limitations During Startup and Shutdown Legislative	5/30/2025	7/1/2025		7/22/2025	Approved 10/8/2025	HB4205 SB256 Bundled SB256		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-08)	Ambient Air Quality Standards Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025	HB4206 SB257 Bundled SB256		
Air Quality (45-16)	Standards of Performance for New Stationary Sources Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025	HB4207 SB258 Bundled SB256		
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 10/8/2025	HB4208 SB259 Bundled SB256		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025	HB4209 SB260 Bundled SB256		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025	HB4210 SB261 Bundled SB256		
Air Quality (45-43)	Cross-State Air Pollution Rule to Control Annual Nitrogen Oxide Emissions, Annual Sulfur Dioxide Emissions, and Ozone Season Nitrogen Oxides Emissions Legislative	5/30/2025	7/1/2025		7/23/2025	Approved 9/7/2025	HB4211 SB262 Bundled SB256		
Alcohol Beverage Control Commission (175-02)	Private Club Licensing Legislative	6/18/2025	7/18/2025		7/22/2025	Modified & Approved 9/7/2025 Filed 9/11/2025	HB4236 SB287 Bundled HB4245		
Architects (2-01)	Registration of Architects Legislative	6/12/2025	7/12/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 11/25/2025	HB4273 SB325 Bundled HB4265		
Architects (2-03)	Fees for Registration of Architects Legislative	6/12/2025	7/12/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/8/2025	HB4274 SB326 Bundled HB4265		
Attorney General (142-03)	Legislative Rule Pertaining to the Establishment and Qualification of Third-Party Dispute Mechanisms Legislative					Authorized w/Certain Amendments 10/8/2025	HB4275 SB320 Bundled HB4265		
Attorney General (142-04)	Fair Treatment of Crime Victims and Witnesses Legislative					Authorized w/Certain Amendments 10/8/2025	HB4276 SB321 Bundled HB4265		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Attorney General (142-05)	Prevention of Unfair or Deceptive Acts or Practices in Home Improvement Transactions Legislative					Authorized w/Certain Amendments 10/8/2025	HB4277 SB322 Bundled HB4265		
Attorney General (142-06)	Legislative Rule Pertaining to the Prevention of Unfair or Deceptive Acts or Practices in Sale of Damaged Goods or Damaged Products Legislative					Authorized w/Certain Amendments 10/8/2025	HB4278 SB323 Bundled HB4265		
Attorney General (142-08)	Administration of Preneed Burial Contracts Legislative					Authorized w/Certain Amendments 10/8/2025	HB4279 SB324 Bundled HB4265		
Auditor (155-01)	Standards for Requisitions for Payment Issued by State Officers on the Auditor Legislative	1/2/2025	2/3/2025		2/7/2025	Modified & Approved 10/2/2025 Filed 10/17/2025	HB4280 SB327 Bundled HB4265		
Barbers and Cosmetologists (3-02)	Qualifications, Training, Examination, and Certification of Instructors in Barbering, Hair Styling, Nail Technology, Aesthetics, Waxing, and Cosmetology Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/19/2025	HB4281 SB328 Bundled HB4265		
Barbers and Cosmetologists (3-04)	Operational Standards for Schools of Barbering, Cosmetology, Hair Styling, Nail Technology, Waxing, and Aesthetics Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/19/2025	HB4282 SB329 Bundled HB4265		
Barbers and Cosmetologists (3-13)	Barber Apprenticeship Legislative	6/17/2025	7/25/2025		7/28/2025	Modified & Approved 9/5/2025 Filed 9/23/2025	HB4283 SB330 Bundled HB4265		
Barbers and Cosmetologists (3-14)	Waxing Specialist Legislative	6/18/2025	7/25/2025		7/28/2025	Approved 9/5/2025	HB4284 SB331 Bundled HB4265		
Coal Mine Health and Safety (36-15)	Rules and Regulations Governing Ventilation by Use of Mechanically Operated Fans and Intentional Changes in the Ventilation System Legislative Exempt	2/27/2026	3/30/2026						

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Community and Technical College Education (135-28)	Skilled Trades Apprenticeship Nontraditional Degree (STAND) Program Legislative	6/2/2025	7/3/2025	6/2/2025 Approved 7/9/2025 Amendment 8/5/2025 Effective 9/16/2025	7/18/2025	Modified & Approved 9/8/2025 Filed 9/9/2025	HB5354		
Community and Technical College Education (135-30)	Purchasing Procedural	1/23/2026	2/23/2026					2/26/2026	3/26/2026
Community and Technical College Education (135-43, repeal)	Purchasing Efficiencies Legislative	6/3/2025	7/1/2025		7/18/2025	Approved 12/8/2025	HB5354		
Contractor Licensing Board (28-02)	West Virginia Contractor Licensing Act Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025	HB4285 SB335 Bundled HB4265		
Counseling (27-01)	Licensing Rule Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4286 SB332 Bundled HB4265		
Counseling (27-03)	Licensed Professional Counselor License Requirements and Continuing Professional Education Requirements Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4287 SB333 Bundled HB4265		
Counseling (27-08)	Marriage and Family Therapist Licensing Legislative	6/25/2025	7/24/2025		7/28/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4288 SB334 Bundled HB4265		
Crime Delinquency and Correction (149-02)	Law Enforcement Training and Certification Standards Legislative	6/24/2025	7/24/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/24/2025	HB4230 SB281 Bundled SB281		
Dentistry (5-13)	Expanded Duties of Dental Hygienists and Dental Assistants Legislative	2/12/2026	3/16/2026	2/3/2026 ERD by 3/17/2026					
Economic Development (145-16) Sunset Provision	Tourism Development Districts Legislative				10/8/2024	Approved 8/5/2025	HB4323 SB374 Bundled SB374		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Economic Development (145-20)	Rule to Petition the Department of Commerce for Certification of a Microgrid District or Certification as a High Impact Data Center Legislative	11/10/2025	12/10/2025	11/10/2025 Effective 12/22/2025	1/12/2026	Modified & Approved 1/28/2026 Filed 1/29/2026	HB4983 SB695		
Education (126-089)	West Virginia Design and Equipment Requirements for School Transportation Vehicles (4334) Legislative Exempt	5/14/2025	6/14/2025						
Environmental Protection Secretary's Office (60-09)	Voluntary Remediation and Redevelopment De Minimis Standards Interpretive	1/6/2026	2/10/2026					3/9/2026	4/8/2026
Financial Institutions, Division of (106-05)	Rule Pertaining to Mortgage Lenders, Brokers, and Loan Originators Legislative	6/19/2025	7/21/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/10/2025	HB4237 SB336 Bundled HB4245		
Financial Institutions, Division of (106-07)	Installation, Operation and Sharing of Customer Bank Communication Terminals and the Utilization of Nonexclusive Access Interchange System Legislative	6/19/2025	7/21/2025		7/23/2025	Approved 9/5/2025	HB4238 SB337 Bundled HB4245		
Financial Institutions, Division of (106-17)	Notice and Treatment of Joint Accounts Legislative	6/19/2025	7/21/2025		7/23/2025	Approved 9/5/2025	HB4239 SB338 Bundled HB4245		
Financial Institution (106-21) Sunset Provision	Rule Pertaining to the Fintech Regulatory Sandbox Legislative				2/3/2025	Approved 8/5/2025	HB4240 SB339 Bundled HB4245		
Fire Commission (87-01)	Fire Code Legislative	3/6/2025 4/9/2025	4/7/2025 5/9/2025	3/6/2025 Approved 3/6/2025	6/3/2025	Modified & Approved 9/5/2025 Filed 10/6/2025	HB4231 SB282 Bundled SB281		
Foresters (200-04)	Schedule of Fees Legislative	1/27/2026	3/13/2026						
Forestry (22-06)	Rules for the Certification of Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 12/10/2025 Filed 12/10/2025	HB4324 SB375 Bundled SB374	3/11/2026	3/11/2026

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Funeral Service Examiners (6-01)	Funeral Director, Embalmer, Apprentice, Courtesy Card Holders and Funeral Establishment Requirements Legislative	6/19/2025	7/22/2025	6/19/2025 Approved 7/9/2025	7/25/2025	Modified & Approved 9/5/2025 Filed 9/10/2025	HB4289 SB340 Bundled HB4265		
Health (64-19)	Water Well Regulations Legislative					Authorized w/Certain Amendments 9/5/2025	HB4215 SB266 Bundled HB4215		
Health (64-45)	Lead Abatement Licensing Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/2/2025 Filed 10/17/2025	HB4216 SB267 Bundled HB4215		
Health (64-48)	Emergency Medical Services Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/10/2025 Filed 9/18/2025	HB4217 SB268 Bundled HB4215		
Health (64-51)	Fees for Services Legislative	6/24/2025	7/24/2025		7/25/2025	Authorized as Modified w/Certain Amendments 10/8/2025 Filed 12/5/2025	HB4218 SB269 Bundled HB4215		
Health (64-57)	Clinical Laboratory Practitioner Licensure Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/17/2025	HB4219 SB270 Bundled HB4215		
Health (64-59)	Patient Rights at State-Operated Mental Health Facilities Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 9/10/2025	HB4229 SB280 Bundled HB4215		
Health (64-67, repeal)	Distribution of State Funds for Support of Local Boards of Health Legislative	6/23/2025	7/23/2025		7/24/2025	Approved 10/8/2025	HB4220 SB271 Bundled HB4215		
Health (64-73)	Basic Public Health Service Standards for Local Boards of Health Legislative	6/23/2025	7/23/2025		7/25/2025	Authorized as Modified w/Certain Amendments 10/8/2025 Filed 12/5/2025	HB4221 SB272 Bundled HB4215		
Health (64-115)	Diabetes Self-Management Education Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4222 SB273 Bundled HB4215		

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AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health Care Authority (65-29) Sunset Provision	Exemption from Certificate of Need Legislative	6/30/2025	7/30/2025		7/21/2025	Approved 8/12/2025	HB4223 SB274 Bundled HB4215		
Higher Education Policy Commission (133-43, repeal)	Purchasing Efficiencies Legislative	6/30/2025	7/30/2025		7/31/2025	12/8/2025 Approved	HB5354		
Higher Education Policy Commission (133-48, repeal)	Research Trust Fund Legislative	6/30/2025	7/30/2025		7/31/2025	Approved 9/12/2025	HB5354		
Higher Education Policy Commission (133-63)	Mental Health Loan Repayment Program Legislative	6/30/2025	7/30/2025		7/31/2025	Approved 9/12/2025	HB5354		
Higher Education Policy Commission (133-64)	Administrative Exemption Legislative	6/30/2025	7/30/2025		7/31/2025	Modified & Approved 12/8/2025 Filed 12/10/2025	HB5354		
Highways (157-03)	Construction and Reconstruction of State Roads Legislative	6/24/2025	7/24/2025		8/7/2025				
Highways (157-05)	Traffic and Safety Rules Legislative	11/10/2025	12/10/2025	11/10/2025 Effective 12/22/2025	12/11/2025				
Insurance Comm. (114-02A) Sunset Provision	Fingerprinting Requirements for Applicants for Insurance Producer and Insurance Adjuster License Legislative				4/16/2025	Approved 8/5/2025	HB4241 SB288 Bundled HB4245		
Insurance Comm. (114-07, repeal)	Premium Financing of Life Insurance for College Students Legislative	6/19/2025	7/19/2025		7/22/2025	Approved 8/5/2025	HB4242 SB289 Bundled HB4245		
Insurance Comm. (114-09, repeal)	Mass Marketing of Property and Liability Insurance Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 8/5/2025	HB4243 SB290 Bundled HB4245		
Insurance Comm. (114-10, repeal)	Advertisement of Accident and Sickness Insurance Legislative	6/19/2025	7/19/2025		7/22/2025	Approved 8/5/2025	HB4244 SB291 Bundled HB4245		
Insurance Comm. (114-25) Sunset Provision	Insurance Adjusters Legislative				4/16/2025	Approved 8/5/2025	HB4245 SB292 Bundled HB4245		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Comm. (114-35)	Insurance Holding Company Systems Legislative	6/19/2025	7/19/2025		7/22/2025	Modified & Approved 8/12/2025 Filed 8/21/2025	HB4246 SB293 Bundled HB4245		
Insurance Comm. (114-40) Sunset Provision	Credit for Reinsurance Legislative				4/16/2025	Modified & Approved 8/13/2025 Filed 8/21/2025	HB4247 SB294 Bundled HB4245		
Insurance Comm. (114-64) Sunset Provision	Mental Health Parity Legislative				4/16/2025	Approved 8/5/2025	HB4248 SB295 Bundled HB4245		
Labor (42-09)	Child Labor Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/10/2025	HB4325 SB376 Bundled SB374		
Landscape Architects (9-03)	Fees Legislative	6/25/2025	7/25/2025		7/25/2025	Approved 10/8/2025	HB4290 SB341 Bundled HB4265		
Landscape Architects (9-04) Sunset Provision	Application for Waiver of Initial Licensing Fees for Certain Individuals Legislative				7/25/2025	Approved 8/5/2025	HB4291 SB342 Bundled HB4265		
Lottery Commission (179-10) Sunset Provision	West Virginia Lottery Interactive Wagering Rule Legislative				6/25/2025	Approved 8/5/2025	HB4249 SB296 Bundled HB4245		
Medicine (11-01B)	Licensure, Practice Requirements, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4292 SB343 Bundled HB4265		
Medicine (11-06)	Continuing Education for Physicians and Podiatric Physicians Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4293 SB344 Bundled HB4265		
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-01)	WV Medical Imaging and Radiation Therapy Tech. Board of Examiners Legislative	4/11/2025	5/31/2025		6/3/2025	Modified & Approved 8/5/2025 Filed 8/13/2025	HB4294 SB345 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-02, repeal)	Continuing Education Legislative	4/1/2025	5/31/2025		6/3/2025	Approved 8/5/2025	HB4295 SB346 Bundled HB4265		
Medical Imaging and Radiation Therapy Tech. Board of Examiners (18-05)	Standard of Ethics Legislative	6/13/2025	7/15/2025		7/16/2025	Modified & Approved 8/5/2025 Filed 8/13/2025	HB4296 SB347 Bundled HB4265		
Miners' Health Safety and Training (56-03)	Rule Governing the Safety of Those Employed in and Around Surface Mines in West Virginia Legislative	12/15/2025	1/16/2026	12/15/2025 Effective 1/26/2026	1/23/2026				
Miners' Health Safety and Training (56-08)	Rule Governing the Submission and Approval of a Comprehensive Mine Safety Program for Coal Mining Operations in the State of West Virginia Legislative				9/24/2024	Approved 8/5/2025	HB4326 SB377 Bundled SB374		
Motor Vehicles (91-11, repeal)	Motor Vehicle Equipment Legislative	6/23/2025	7/23/2025		7/24/2025	Approved 8/5/2025	HB4262 SB309 Bundled SB309		
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 9/5/2025 Filed 9/22/2025	HB4263 SB310 Bundled SB309		
Motor Vehicles (91-25)	Special Purpose Vehicles Legislative				6/23/2025	Approved 8/5/2025	HB4264 SB311 Bundled SB309		
Municipal Pensions Oversight Board (211-02)	Exempt Purchasing Legislative				10/9/2024	Approved 8/5/2025	HB4297 SB348 Bundled HB4265		
Natural Resources (58-14, repeal)	Rules Governing Small Arms Hunting Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025	HB4327 SB378 Bundled SB374		
Natural Resources (58-21)	Wildlife Rehabilitation Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 10/8/2025 Filed 12/11/2025	HB4328 SB379 Bundled SB374		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-26)	Special Boating Rules Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4329 SB380 Bundled SB374		
Natural Resources (58-46) Sunset Provision	Defining the Terms Used in All Hunting and Trapping Legislative				3/31/2025	Approved 8/5/2025	HB4330 SB381 Bundled SB374		
Natural Resources (58-47)	Prohibitions When Hunting and Trapping Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 10/8/2025	HB4331 SB382 Bundled SB374		
Natural Resources (58-50) Sunset Provision	Deer Hunting Rule Legislative				3/31/2025	Approved 8/5/2025	HB4332 SB383 Bundled SB374		
Natural Resources (58-56) Sunset Provision	Special Migratory Game Bird Hunting Legislative				3/31/2025	Approved 8/5/2025	HB4333 SB384 Bundled SB374		
Occupational Therapy (13-04)	Continuing Education and Competence Legislative	4/17/2025	6/1/2025		6/3/2025	Approved 8/5/2025	HB4298 SB349 Bundled HB4265		
Office of Technology (163-03) Sunset Provision	Cyber Reporting Legislative				7/18/2025	Modified & Approved 8/5/2025 Filed 8/14/2025	HB4201 SB252 Bundled SB251		
Office of the Inspector General (71-15)	Nursing Home Licensure Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 12/10/2025 Filed 12/23/2025	HB4224 SB275 Bundled HB4215		
Office of the Inspector General (71-17)	Delegation of Medication Administration and Health Maintenance Tasks to Approved Medication Assistive Personnel Legislative	6/23/2025	7/23/2025		7/25/2025	Authorized with Certain Amendments 12/10/2025	HB4225 SB276 Bundled HB4215		
Office of the Inspector General (71-21)	Assisted Living Residences Legislative					Authorized with Certain Amendments 12/10/2025	HB4226 SB277 Bundled HB4215		
Office of the Inspector General (71-24)	Syringe Services Program Licensure Legislative	6/23/2025	7/23/2025		7/25/2025	Modified & Approved 12/10/2025 Filed 12/23/2025	HB4227 SB278 Bundled HB4215		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Office of the Inspector General (71-25)	Behavioral Health Centers Licensure Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Authorized with Certain Amendments 12/10/2025	HB4228 SB279 Bundled HB4215		
Optometry (14-01)	Rules of the West Virginia Board of Optometry Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025	HB4299 SB350 Bundled HB4265		
Optometry (14-02)	Oral Pharmaceutical Certificate Legislative	6/10/2025	7/10/2025	6/10/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025	HB4300 SB351 Bundled HB4265		
Optometry (14-05)	Schedule of Fees Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025	HB4301 SB352 Bundled HB4265		
Optometry (14-06, repeal)	Interview Evaluation Legislative	11/19/2025	12/19/2025	11/19/2025	12/23/2025		Bundled HB4265		
Optometry (14-08)	Licensure by Reciprocity Legislative	6/10/2025	7/10/2025	6/10/2025 Approved 7/9/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025	HB4302 SB353 Bundled HB4265		
Optometry (14-10)	Continuing Education Legislative	6/10/2025	7/10/2025	6/10/2025	7/23/2025	Modified & Approved 9/5/2025 Filed 9/18/2025	HB4303 SB354 Bundled HB4265		
Osteopathic Medicine (24-01)	Licensing Procedures for Osteopathic Physicians Legislative	6/25/2025	7/25/2025	6/25/2025	7/28/2025	Modified & Approved 10/8/2025 Filed 12/9/2025	HB4304 SB355 Bundled HB4265		
Osteopathic Medicine (24-02)	Osteopathic Physician Assistants Legislative	6/25/2025	7/25/2025	6/25/2025	7/28/2025	Modified & Approved 10/8/2025 Filed 12/9/2025	HB4305 SB356 Bundled HB4265		
Osteopathic Medicine (24-09) Sunset Provision	Emergency Temporary Permits to Practice During States of Emergency or States of Preparedness Legislative	6/19/2025	7/19/2025	6/19/2025	3/27/2025	Approved 8/5/2025	HB4306 SB357 Bundled HB4265		
Pharmacy (15-01)	Licensure and Practice of Pharmacy Legislative	6/19/2025	7/19/2025	6/19/2025	7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4307 SB358 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Pharmacy (15-06)	Mail-Order and Non-Resident Pharmacies Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4308 SB359 Bundled HB4265		
Pharmacy (15-07)	Board of Pharmacy Rules for Registration of Pharmacy Technicians Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4309 SB360 Bundled HB4265		
Pharmacy (15-10)	Board of Pharmacy Rules for Pharmacist Recovery Networks Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4310 SB361 Bundled HB4265		
Pharmacy (15-12)	Board of Pharmacy Rules for Immunizations Administered by Pharmacists, Pharmacy Interns, and Pharmacy Technicians Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025	HB4311 SB362 Bundled HB4265		
Pharmacy (15-15)	Rules Governing Pharmacy Permits Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/24/2025	HB4312 SB363 Bundled HB4265		
Pharmacy (15-16)	Rules Governing Pharmacist Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 11/24/2025	HB4313 SB364 Bundled HB4265		
Pharmacy (15-19)	Inspections Legislative	6/19/2025	7/19/2025		7/24/2025	Modified & Approved 10/2/2025 Filed 10/22/2025	HB4314 SB365 Bundled HB4265		
Physical Therapy (16-01)	General Provisions for Physical Therapist and Physical Therapist Assistants Legislative	2/25/2025 6/17/2025	3/28/2025 7/17/2025	2/21/2025 Approved 2/25/2025	4/1/2025 7/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4315 SB366 Bundled HB4265		
Physical Therapy (16-05)	General Provisions for Athletic Trainers Legislative	6/17/2025	7/17/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 10/21/2025	HB4316 SB367 Bundled HB4265		
Psychologists (17-03)	Requirements for Licensure as a Psychologist And/Or a School Psychologist Legislative	7/16/2025	8/16/2025	7/9/2025 Effective 8/20/2025	8/18/2025	Modified & Approved 12/10/2025 Filed 12/19/2025	HB4317 SB368 Bundled HB4265		
Public Service Commission (150-37) Sunset Provision	Rules Governing the Occupancy of Customer-Provided Conduit Legislative				3/12/2025	Approved 8/5/2025	HB4318 SB369 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Racing Commission (178-01)	Thoroughbred Racing Legislative	6/23/2025	7/23/2025		7/24/2025	Modified & Approved 10/8/2025 Filed 11/5/2025	HB4250 SB297 Bundled HB4245		
Racing Commission (178-10) Sunset Provision	Advance Deposit Account Wagering (ADW) Legislative				7/22/2025	Approved 8/5/2025	HB4251 SB298 Bundled HB4245		
Real Estate Commission (174-01)	Licensing Real Estate Brokers, Associate Brokers, and Salespersons and the Conduct of Brokerage Business Legislative	7/1/2025	7/30/2025		7/31/2025	Modified & Approved 9/10/2025 Filed 9/18/2025	HB4319 SB370 Bundled HB4265		
Rehabilitation Services (198-01) Sunset Provision	Ron Yost Personal Assistance Services Act Board Legislative				3/31/2025	Approved 8/5/2025	HB4334 SB385 Bundled SB374		
Risk and Insurance Management (115-01) Sunset Provision	Mine Subsidence Insurance Legislative				7/18/2025	Modified & Approved 8/5/2025 Filed 8/14/2025	HB4202 SB253 Bundled SB251		
Risk and Insurance Management (115-02)	Public Entities Insurance Program Legislative	6/2/2025	7/1/2025		7/8/2025	Modified & Approved 10/2/2025 Filed 10/10/2025	HB4203 SB254 Bundled SB251		
Risk and Insurance Management (115-06, repeal)	Preferred Medical Liability and High Risk Medical Liability Program Legislative	6/19/2025	7/20/2025		7/21/2025	Approved 8/5/2025	HB4204 SB255 Bundled SB251		
Secretary of State (153-10) Sunset Provision	Loan and Grant Programs Under the Help America Vote Act (HAVA) for the Purchase of Voting Equipment, Election Systems, Software, Services and Upgrades Legislative				6/24/2025	Approved 8/5/2025	HB4320 SB371 Bundled HB4265		
Senior Services (76-06) Sunset Provision	Shared Table Initiative for Senior Citizens Legislative				7/21/2025	Approved 10/8/2025	HB4321 SB372 Bundled HB4265		
Social Work Examiners (25-03) Sunset Provision	Fee Schedule Legislative				7/25/2025	Approved 8/5/2025	HB4322 SB373 Bundled HB4265		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/LOCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
State Emergency Response Commission (55-01) Sunset Provision	Emergency Planning and Community Right-To-Know Legislative	1/8/2025			1/8/2025	Modified & Approved 8/5/2025 Filed 8/13/2025	HB4232 SB283 Bundled SB281		
State Police (81-03)	West Virginia State Police Career Progression System Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/24/2025	HB4233 SB284 Bundled SB281		
State Police (81-05)	Contracted Police or Security Services Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/5/2025 Filed 9/24/2025	HB4234 SB285 Bundled SB281		
State Police (81-08)	West Virginia State Police Member Grievance Procedure Legislative	6/23/2025	7/23/2025		7/23/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4235 SB286 Bundled SB281		
Tax (110-01H)	Valuation of Timberland and Managed Timberland Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025	HB4252 SB299 Bundled HB4245		
Tax (110-01M)	Valuation of Public Utility Property for Ad Valorem Property Tax Purposes Legislative	6/25/2025	7/25/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4253 SB300 Bundled HB4245		
Tax (110-13FF) Sunset Provision	Tax Credit for Providing Vehicles to Low-Income Workers Legislative	6/24/2025	7/24/2025		3/31/2025	Modified & Approved 8/5/2025 Filed 8/26/2025	HB4254 SB301 Bundled HB4245		
Tax (110-13GG) Sunset Provision	Downstream Natural Gas Manufacturing Investment Tax Credit Legislative	6/24/2025	7/24/2025		3/31/2025	Approved 8/5/2025	HB4255 SB302 Bundled HB4245		
Tax (110-13II) Sunset Provision	High-Wage Growth Business Tax Credit Legislative	6/24/2025	7/24/2025		3/31/2025	Approved 8/5/2025	HB4256 SB303 Bundled HB4245		
Tax (110-13Q, repeal)	Commercial Patent Incentives Tax Credit Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/7/2025	HB4257 SB304 Bundled HB4245		
Tax (110-16A)	On-Line Bingo and Raffles Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4258 SB305 Bundled HB4245		

RULE MONITOR

AGENCY/SERIES NUMBER	RULE	NOTICE	HEARING	EMER RULE	AGENCY APPROVED	LRMRC/OCEA ACTION	LEGIS	FINAL FILE	EFFECTIVE
Tax (110-19, repeal)	Soft Drinks Tax Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 8/5/2025	HB4259 SB306 Bundled HB4245		
Tax (110-21H)	Income Tax Credits for Property Taxes Paid Legislative	6/24/2025	7/24/2025		7/25/2025	Modified & Approved 9/7/2025 Filed 9/24/2025	HB4260 SB307 Bundled HB4245		
Tax (110-36)	Preneed Cemetery Companies Legislative	6/24/2025	7/24/2025		7/25/2025	Approved 9/10/2025	HB4261 SB308 Bundled HB4245		
Water Resources, Division of Water & Waste Mgmt. (47-02)	Requirements Governing Water Quality Standards Legislative	5/30/2025	7/15/2025 Extended to 7/21/2025		7/24/2025	Modified & Approved 12/10/2025 Filed 1/8/2026	HB4213 SB264 Bundled SB256	3/4/2026	7/1/2026

FILED

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA DIVISION OF CORRECTIONS & REHABILITATION

POLICY DIRECTIVE UPDATES

NUMBER	DATE	SUBJECT
306.02	01 April 2026	Transportation of Offenders
307.00	01 April 2026	Control/Restraints
314.03	01 April 2026	Canine (K9) Unit
410.15	01 April 2026	Hospice Care for Inmates
453.06	01 April 2026	G.O.A.L.S. Substance Abuse Treatment Units
456.00	01 April 2026	Humanitarian Visits



WEST VIRGINIA SECRETARY OF STATE
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
3/11/2026 9:06:13 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: Forestry TITLE-SERIES: 22-06
 RULE TYPE: Legislative Amendment to Existing Rule: No Repeat of existing rule: No
 RULE NAME: RULES FOR THE CERTIFICATION OF MANAGED TIMBERLAND
 CITE STATUTORY AUTHORITY: W. Va. Code §11-1C-11(e).
 The above rule has been authorized by the West Virginia Legislature.
 Authorization is cited in (house or senate bill number) SB 374
 Section §64-10-2 Passed On 3/2/2026 12:00:00 AM

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

March 11, 2026

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

August 01, 2031

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

Yes

Jeremy McGill -- 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
KRIS WARNER
ADMINISTRATIVE LAW DIVISION

eFILED
 3/9/2026 11:29 AM
 Office of West Virginia
 Secretary Of State

INTERPRETIVE

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

AGENCY: Environmental Protection Secretarys Office TITLE-SERIES: 60-09
 RULE TYPE: Interpretive Amendment to Existing Rule: Yes Repeal of existing rule: No
 RULE NAME: Voluntary Remediation and Redevelopment De Minimis Standards
 CITE STATUTORY AUTHORITY: W. Va. Code § 22-22-3

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

April 8, 2026

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

Yes

Charles Driver -- 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

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

3/10/2026 12:09:12 PM

Office of West Virginia
Secretary Of State

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

EMERGENCY

AGENCY: Agriculture TITLE-SERIES: 61-30

RULE TYPE: Legislative Amendment to Existing Rule: Yes

RULE NAME: Select Plant-Based Derivatives And Select Plant-Based Derivative Products-Hemp And Kratom

CITE STATUTORY AUTHORITY FOR PROMULGATING EMERGENCY RULE:

19-12E-7 19-12E-12 10-12F-5

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:

N/A

DATE EMERGENCY RULE WAS ORIGINALLY FILED: 06/10/2025

DATE(S) OF PREVIOUS EMERGENCY AMENDMENT(S)

original emergency rule filed 6/10/25.

PRIMARY CONTACT:

NAME: Amie Minor

ADDRESS: WV Department Of Agriculture

1900 Kanawha Boulevard, East Charleston WV 25305

EMAIL: aminor@wvda.us

PHONE NUMBER: 304-558-3200

Orders Report

Docket Number	Agency	Respondent	Date Rendered
25-1C-185524	Insurance Commission	J. W. Potts Insurance Agency	3/4/2026
23-1C-156704	Insurance Commission	Starr Indemnity & Liability Company	3/6/2026
24-1C-175889	Insurance Commission	Prime Therapeutics, LLC	3/9/2026
19-101-W & 19-164-B	Medicine, West Virginia Board Of	William Andrew Stewart, MD	3/9/2026

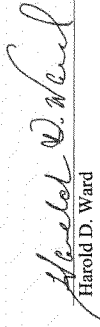
FILED
WV SECRETARY OF STATE
MARCH 12, 2026 03:57 PM



OTHER

This Order shall terminate upon the entry of an Order setting forth revised De Minimis Standards as established by W. Va. Code of St. R. § 60-9-1, *et seq.*

west virginia department of environmental protection
Office of the General Counsel
601 5th Street SE
Charleston, WV 25304
Phone: 304-926-0499
Harold D. Ward, Cabinet Secretary
dep.wv.gov


Harold D. Ward
Cabinet Secretary
West Virginia Department of
Environmental Protection

3/12/2026
Date

**ORDER
ISSUED UNDER THE VOLUNTARY REMEDIATION AND REDEVELOPMENT ACT
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 22**

DATE: March 12, 2026

INTRODUCTION

This Order is issued by the Secretary of the West Virginia Department of Environmental Protection and pursuant to the authority of West Virginia Code § 22-22-1, *et seq.* and West Virginia Code of State Rules §§ 60-3-1, *et seq.* and 60-9-1, *et seq.*

FINDINGS OF FACT

West Virginia Code of State Rules §§ 60-3-1, *et seq.* and 60-9-1, *et seq.* require the Secretary of the West Virginia Department of Environmental Protection to annually review the De Minimis Standards and, if necessary, update them to reflect current toxicity information, chemical-specific data, and exposure parameters. Updates are also required following significant regulatory changes.

The De Minimis Standards adopted by this Order were developed in accordance with the Voluntary Remediation and Redevelopment Rule at West Virginia Code of State Rules § 60-3-1-9.2.d.

ORDER

The De Minimis Standards set forth in the Appendix to this Order are, in accordance with West Virginia Code § 22-22-1, *et seq.* and West Virginia Code of State Rules §§ 60-3-1, *et seq.* and 60-9-1, *et seq.*, adopted by the Secretary and, therefore, govern the work performed by the Voluntary Remediation Program. Accordingly, the attached De Minimis Standards, which set contaminant levels that pose no substantial risk to human health based on the current or reasonably anticipated future land and groundwater uses for either residential or industrial purposes, are hereby adopted.

The provisions of this Order are severable. Should a court or board of competent jurisdiction declare any provisions or values to be invalid or unenforceable, all other provisions and values shall remain in full force and effect.

Table 60-9: De Minimis Standards Table

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Value Basis ³	Industrial Soil ^{1,2} (mg/kg)	Value Basis ³	Ground Water ^{2,3} (ug/L)	Value Basis ³
Acetaldehyde	75-07-0	1.0E+01	c	3.7E+02	nc	2.2E+00	c
Acetone	67-64-1	7.0E+04	nc	1.1E+05	Csat	1.8E+04	nc
Acetonitrile	75-05-6	8.7E+02	nc	3.7E+03	nc	1.3E+02	nc
Acetophenone	98-86-2	2.5E+03	Csat	2.5E+03	Csat	1.9E+03	nc
Acrolein	107-02-8	1.5E+01	c	6.5E-01	nc	4.2E-02	nc
Acrylamide	79-06-1	2.4E+01	c	4.6E+01	c	4.8E-02	c
Acrylonitrile	107-13-1	2.4E+01	c	1.2E+01	c	4.6E-02	c
Alachlor	15972-60-8	9.2E+00	c	4.1E+02	c	2.0E+00	gws
Alar	1596-84-5	2.9E+01	c	1.3E+03	c	3.8E+00	c
Aldicarb	116-06-3	6.3E+01	nc	8.2E+02	nc	3.0E+00	gws
Aldicarb sulfone	1646-88-4	6.3E+01	nc	8.2E+02	nc	2.0E+00	gws
Aldrin	309-00-2	3.7E-02	c	1.8E+00	c	8.0E-04	c
Aluminum	7429-90-5	7.7E+04	nc	1.0E+06	max	2.0E+04	nc
Aniline	62-53-3	9.0E+01	c	4.0E+03	c	1.2E+01	c
Antimony and compounds	7440-36-0	3.1E+01	nc	4.7E+02	nc	6.0E+00	gws
Arsenic	7440-38-2	3.0E-02	c	1.4E+00	c	1.0E+01	gws
Assure	76578-14-8	5.7E+02	nc	7.4E+03	nc	1.2E+02	nc
Atrazine	1912-24-9	2.2E+00	c	1.0E+02	c	3.0E+00	gws
Azobenzene	103-33-3	5.3E+00	c	2.6E+02	c	1.0E-01	c
Barium and compounds	7440-39-3	1.5E+04	nc	2.2E+05	nc	2.0E+03	gws
Baygon	114-26-1	2.5E+02	nc	3.5E+03	nc	7.8E+01	nc
Baythroid	68359-37-5	1.6E+03	nc	2.1E+04	nc	1.2E+02	nc
Benazolate	25057-89-0	1.9E+02	nc	2.5E+04	nc	5.7E+02	nc
Benzene	71-43-2	1.1E+00	c	5.4E+01	c	5.0E+00	gws
Benzidine	92-87-5	5.2E-04	c	1.0E-01	c	1.0E-04	c

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OTHER

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Value Basis ³	Industrial Soil ^{1,2} (mg/kg)	Value Basis ³	Ground Water ^{2,3} (ug/L)	Value Basis ³
Benzoic acid	65-85-0	2.5E+05	nc	1.0E+06	max	7.5E+04	nc
Benzyl alcohol	100-51-6	6.3E+03	nc	8.2E+04	nc	2.0E+03	nc
Benzyl chloride	100-44-7	1.0E+00	c	5.1E+01	c	7.8E-02	c
Beryllium and compounds	7440-41-7	1.6E+02	nc	2.3E+03	nc	4.0E+00	gws
1,1'-Biphenyl	92-62-4	5.1E+01	nc	2.1E+02	nc	8.3E-01	nc
Bis(2-chloroethyl)ether	111-44-4	2.2E-01	c	1.1E+01	c	1.2E-02	c
Bis(2-chloroisopropyl)ether	108-60-1	4.7E+00	c	2.3E+02	c	3.1E-01	c
Bis(chloromethyl)ether	542-88-1	7.7E-05	c	3.9E-03	c	6.3E-05	c
Bis(2-ethylhexyl)phthalate (DEHP)	117-81-7	3.7E+01	c	1.6E+03	c	6.0E+00	gws
Bromodichloromethane	75-27-4	2.7E-01	c	1.4E+01	c	8.0E+01	gws
Bromoform (tribromomethane)	75-25-2	1.8E+01	c	9.1E+02	c	8.0E+01	gws
Bromomethane	74-83-9	7.3E+00	nc	3.2E+01	nc	7.5E+00	nc
Bromophos	2104-96-3	3.4E+02	nc	3.9E+03	nc	1.9E+01	nc
1,3-Butadiene	106-99-0	7.1E-02	c	3.6E+00	c	6.2E-02	c
1-Butanol	71-36-3	4.9E+03	nc	7.6E+03	nc	5.9E+02	nc
Butylate	2008-41-5	3.3E+03	nc	3.4E+04	nc	2.2E+02	nc
n-Butylbenzene	104-51-8	1.1E+02	Csat	1.1E+02	Csat	1.0E+03	nc
Butyl benzyl phthalate	85-68-7	2.7E+02	c	1.2E+04	c	1.4E+01	c
Cadmium and compounds	7440-43-9	7.5E+00	nc	1.1E+02	nc	5.0E+00	gws
Caproclam	105-60-2	3.1E+04	nc	4.0E+05	nc	9.9E+03	nc
Carbaryl	63-25-2	6.3E+03	nc	8.2E+04	nc	1.8E+03	nc
Carbon disulfide	75-15-0	7.4E+02	Csat	7.4E+02	Csat	8.1E+02	nc
Carbon tetrachloride	56-23-5	6.1E-01	c	3.1E+01	c	5.0E+00	gws
Carosulfan	55285-14-8	6.3E+02	nc	8.2E+03	nc	5.1E+01	nc
Chloranil	118-75-2	1.3E+00	c	5.7E+01	c	1.6E-01	c
Chlordane (Technical Mixture)	12789-03-6	1.8E+00	c	8.9E+01	c	2.0E+00	gws
Chloroacetic acid	79-11-8	2.2E+02	nc	2.9E+03	nc	6.0E+01	gws
4-Chloroaniline	106-47-8	2.6E+00	c	1.1E+02	c	3.2E-01	c

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CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ¹	Industrial Soil ^{1,3} (mg/kg)	Value Basis ¹	Ground Water ^{2,3} (ug/L)	Value Basis ¹
Dalapon	75-99-0	1.9E+03	nc	2.5E+04	nc	2.0E+02	gws
DDD	72-54-8	2.1E+00	c	9.6E+01	c	2.8E-02	c
DDE	72-55-9	1.9E+00	c	9.3E+01	c	4.0E-02	c
DDT	50-29-3	1.8E+00	c	8.5E+01	c	2.0E-01	c
Diazinon	333-41-5	4.4E+01	nc	5.7E+02	nc	1.0E+01	nc
Dibenzuram	132-64-9	7.8E+01	nc	1.2E+03	nc	7.9E+00	nc
1,4-Dibromobenzene	106-37-6	4.4E+02	nc	3.1E+03	nc	5.1E+01	nc
Dibromochloromethane	124-48-1	7.9E+00	c	3.9E+02	c	8.0E+01	gws
1,2-Dibromo-3-chloropropane	96-12-8	5.4E-03	c	6.9E-01	c	2.0E-01	gws
1,2-Dibromoethane	106-93-4	3.4E-02	c	1.7E+00	c	5.0E-02	gws
Dibutyl phthalate	84-74-2	6.3E+03	nc	8.2E+04	nc	9.0E+02	nc
Dicamba	1918-00-9	1.9E+03	nc	2.5E+04	nc	5.7E+02	nc
1,2-Dichlorobenzene	95-50-1	3.8E+02	Csat	3.8E+02	Csat	6.0E+02	gws
1,4-Dichlorobenzene	106-46-7	2.4E+00	c	1.2E+02	c	7.5E+01	gws
3,3'-Dichlorobenzidine	91-94-1	1.1E+00	c	5.1E+01	c	1.1E-01	c
1,4-Dichloro-2-butene	764-10	2.0E-03	c	1.0E-01	c	1.2E-03	nc
Dichlorodifluoromethane	75-71-8	9.4E+01	nc	4.0E+02	nc	2.0E+02	nc
1,1-Dichloroethane	75-34-3	3.3E+00	c	1.7E+02	c	2.4E+00	c
1,2-Dichloroethane	107-06-2	4.3E-01	c	2.2E+01	c	5.0E+00	gws
1,1-Dichloroethylene	75-35-4	5.1E+00	nc	2.2E+01	nc	7.0E+00	gws
1,2-Dichloroethylene (cis)	156-59-2	6.5E+01	nc	3.9E+02	nc	7.0E+01	gws
1,2-Dichloroethylene (trans)	156-60-5	7.5E+01	nc	3.2E+02	nc	1.0E+02	gws
2,4-Dichlorophenol	120-83-2	1.9E+02	nc	2.5E+03	nc	4.6E+01	nc
4-(2,4-Dichlorophenoxy)butyric Acid (2,4-DB)	94-82-6	1.9E+03	nc	2.5E+04	nc	4.5E+02	nc
2,4-Dichlorophenoxyacetic Acid (2,4-D)	94-75-7	7.0E+02	nc	9.6E+03	nc	7.0E+01	gws
1,2-Dichloropropane	78-87-5	2.3E+00	c	7.1E+01	c	5.0E+00	gws
1,3-Dichloropropane	542-75-6	1.7E+00	c	8.6E+01	c	4.1E-01	c
2,3-Dichloropropanol	616-23-9	1.9E+02	nc	2.5E+03	nc	5.9E+01	nc

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ¹	Industrial Soil ^{1,3} (mg/kg)	Value Basis ¹	Ground Water ^{2,3} (ug/L)	Value Basis ¹
Chlorobenzene	108-90-7	2.9E+02	nc	7.6E+02	Csat	1.0E+02	gws
Chlorobenzilate	510-15-6	4.7E+00	c	2.1E+02	c	2.8E-01	c
P-Chlorobenzoic acid	74-11-3	1.9E+03	nc	2.5E+04	nc	5.1E+02	nc
2-Chloro-1,3-butadiene (chloroprene)	126-99-8	3.7E-03	c	4.7E-01	c	6.4E-03	c
1-Chlorobutane	109-69-3	2.5E+02	nc	7.3E+02	Csat	2.0E+02	nc
Chloroethane	75-00-3	2.1E+03	Csat	2.1E+03	Csat	8.3E+03	nc
Chloroform	67-66-3	3.0E-01	c	1.5E+01	c	8.0E+01	gws
Chloromethane	74-87-3	1.2E+02	nc	5.0E+02	nc	1.9E+02	nc
4-Chloro-2-methylamine	95-69-2	5.2E+00	c	2.3E+02	c	6.2E-01	c
beta-Chloroanaphthalene	91-58-7	5.1E+03	nc	5.3E+04	nc	3.5E+02	nc
o-Chloronitrobenzene	88-73-3	1.7E+00	c	7.7E+01	c	2.1E-01	c
p-Chloronitrobenzene	100-00-5	8.6E+00	c	3.8E+02	c	1.0E+00	c
2-Chlorophenol	95-57-8	3.5E+02	nc	4.0E+03	nc	2.9E+01	nc
o-Chlorotoluene	95-49-8	5.0E+02	nc	9.1E+02	Csat	9.8E+01	nc
Chlorpyrifos-methyl	5598-13-0	6.3E+02	nc	8.2E+03	nc	1.2E+02	nc
Chromium III	16065-83-1	4.9E+04	nc	3.0E+05	nc	2.2E+04	nc
Chromium VI	18540-29-9	9.4E-01	c	2.0E+02	c	1.0E-01	c
Cobalt	7440-48-4	2.3E+01	nc	3.5E+02	nc	6.0E+00	nc
Copper and compounds	7440-50-8	3.1E+03	nc	4.7E+04	nc	1.3E+03	gws
Crotonaldehyde	123-73-9	8.0E-02	c	4.0E+00	c	7.9E-03	c
Cyanazine	21725-46-2	6.1E-01	c	2.7E+01	c	7.7E-02	c
Cyanide and compounds	74-90-8	2.3E+01	nc	1.5E+02	nc	2.0E+02	gws
Cyanogen bromide	506-68-3	7.0E+03	nc	1.1E+05	nc	1.8E+03	nc
Cylohexane	110-82-7	1.2E+02	Csat	1.2E+02	Csat	1.3E+04	nc
Cyclohexanone	108-94-1	5.1E+03	Csat	5.1E+03	Csat	1.4E+03	nc
Cypermethrin	52315-07-8	4.6E+03	nc	5.9E+04	nc	1.4E+03	nc
Dachal	1861-32-1	6.3E+02	nc	8.2E+03	nc	1.2E+02	nc

OTHER

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ¹	Industrial Soil ^{1,3} (mg/kg)	Value Basis ¹	Ground Water ^{2,3} (ug/L)	Value Basis ¹
Dichloros	62-73-7	1.8E+00	c	7.9E+01	c	4.0E-01	c
Dicyclopentadiene	77-73-6	1.4E+00	nc	5.8E+00	nc	6.3E-01	nc
Dieldrin	60-57-1	4.0E-02	c	2.0E+00	c	6.3E-04	c
Diethylene glycol, monobutyl ether	112-34-5	1.9E+03	nc	2.4E+04	nc	6.0E+02	nc
Diethylene glycol, monoethyl ether	111-90-0	3.8E+03	nc	4.8E+04	nc	1.2E+03	nc
Di(2-ethylhexyl)adipate	103-23-1	4.3E+02	c	1.9E+04	c	4.0E+02	gws
Diethyl phthalate	84-66-2	5.1E+04	nc	6.6E+05	nc	1.5E+04	nc
Diethylstilbestrol	56-53-1	1.5E-03	c	6.6E-02	c	4.5E-05	c
Difencquat (Avenge)	43222-48-6	5.2E+03	nc	6.8E+04	nc	1.7E+03	nc
1,1-Difluoroethane	75-37-6	1.4E+03	Csdl	1.4E+03	Csdl	8.3E+04	nc
Diisopropyl methylphosphonate	1445-75-6	5.3E+02	Csdl	5.3E+02	Csdl	1.6E+03	nc
3,3'-Dimethoxybenzidine	119-90-4	7.5E-02	c	1.4E+01	c	1.5E-02	c
N,N-Dimethylaniline	121-69-7	2.5E+01	c	7.8E+02	nc	2.2E+00	c
2,4-Dimethylaniline	95-68-1	2.6E+00	c	1.1E+02	c	3.3E-01	c
2,4-Dimethylaniline hydrochloride	21436-96-4	8.9E-01	c	4.0E+01	c	1.2E-01	c
3,3'-Dimethylbenzidine	119-93-7	1.1E-02	c	2.1E+00	c	2.0E-03	c
2,4-Dimethylphenol	105-67-9	1.3E+03	nc	1.6E+04	nc	3.6E+02	nc
2,6-Dimethylphenol	576-26-1	3.8E+01	nc	4.9E+02	nc	1.1E+01	nc
3,4-Dimethylphenol	95-65-8	6.3E+01	nc	8.2E+02	nc	1.8E+01	nc
4,6-Dinitro-o-cyclohexyl phenol	131-89-5	1.3E+02	nc	1.6E+03	nc	2.3E+01	nc
1,2-Dinitrobenzene	528-29-0	6.3E+00	nc	8.2E+01	nc	1.9E+00	nc
1,3-Dinitrobenzene	99-65-0	6.3E+00	nc	8.2E+01	nc	2.0E+00	nc
1,4-Dinitrobenzene	100-25-4	6.3E+00	nc	8.2E+01	nc	2.0E+00	nc
2,4-Dinitrophenol	51-28-5	1.3E+02	nc	1.6E+03	nc	3.9E+01	nc
Dinitrotoluene (Technical Grade)	25321-14-6	1.1E+00	c	5.1E+01	c	9.2E-02	c
2,4-Dinitrotoluene	121-14-2	1.7E+00	c	7.4E+01	c	2.1E-01	c
2,6-Dinitrotoluene	606-20-2	3.4E-01	c	1.5E+01	c	4.3E-02	c
Dinoseb	88-85-7	6.3E+01	nc	8.2E+02	nc	7.0E+00	gws

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ¹	Industrial Soil ^{1,3} (mg/kg)	Value Basis ¹	Ground Water ^{2,3} (ug/L)	Value Basis ¹
Formic Acid	64-18-6	3.1E+01	nc	1.3E+02	nc	6.3E-01	nc
Formaldehyde	50-00-0	3.6E+00	c	5.8E+02	c	1.5E-01	c
Fonofos	944-22-9	1.3E+02	nc	1.6E+03	nc	2.4E+01	nc
Fomesafen	72178-02-0	6.3E+02	nc	8.2E+03	nc	1.9E+02	nc
Fluorene (Soluble Fluoride)	7782-41-4	4.7E+03	nc	7.0E+04	nc	4.0E+03	gws
Flumetron	2164-17-2	8.2E+02	nc	1.1E+04	nc	2.4E+02	nc
Fenamphos	22224-92-6	1.6E+01	nc	2.1E+02	nc	4.4E+00	nc
Ethyl methacrylate	97-63-2	1.1E+03	Csdl	1.1E+03	Csdl	6.3E+02	nc
Ethyl ether	60-29-7	2.4E+03	nc	1.0E+04	nc	1.2E+03	nc
Ethylene thiourea (ETU)	96-45-7	5.1E+00	nc	6.6E+01	nc	1.5E+00	nc
Ethylene glycol, monobutyl ether	111-76-2	6.3E+03	nc	8.2E+04	nc	2.0E+03	nc
Ethylene glycol	107-21-1	5.1E+04	nc	6.6E+05	nc	1.6E+04	nc
Ethylene diamine	107-15-3	6.4E+03	nc	7.8E+04	nc	5.3E+02	nc
Ethbenzene	100-41-4	5.4E+00	c	2.7E+02	c	7.0E+02	gws
Ethyl acetate	141-78-6	6.7E+02	nc	2.8E+03	nc	1.4E+02	nc
2-Ethoxyethanol	110-80-5	2.7E+03	nc	1.6E+04	nc	8.0E+01	nc
Ethion	563-12-2	3.2E+01	nc	4.1E+02	nc	4.3E+00	nc
Epichlorohydrin	106-89-8	2.0E+01	nc	8.8E+01	nc	2.0E+00	nc
Endrin	72-20-8	1.9E+01	nc	2.5E+02	nc	2.0E+00	gws
Endosulfan	145-73-3	1.3E+03	nc	1.6E+04	nc	1.0E+02	gws
Duron	115-29-7	4.5E+02	nc	6.1E+03	nc	3.3E+01	nc
1,4-Dihiane	330-64-1	1.3E+02	nc	1.6E+03	nc	3.6E+01	nc
Disulfoton	505-29-3	5.7E+02	nc	4.9E+03	nc	5.9E+01	nc
Diquat	298-04-4	2.5E+00	nc	3.3E+01	nc	5.0E-01	nc
1,2-Diphenylhydrazine	85-00-7	1.4E+02	nc	1.8E+03	nc	2.0E+01	gws
Diphenylamine	122-66-7	6.4E-01	c	2.9E+01	c	6.9E-02	c
1,4-Dioxane	123-91-1	5.0E+00	c	2.5E+02	c	4.0E-01	c

OTHER

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ⁴	Industrial Soil ^{1,3} (mg/kg)	Value Basis ⁴	Ground Water ^{2,3} (ug/L)	Value Basis ⁴
Isopropalin	33820-53-0	1.1E+03	nc	1.5E+04	nc	3.0E+01	nc
Isopropyl methyl phosphonic acid	98-82-8	2.7E+02	Csat1	2.7E+02	Csat1	4.5E+02	nc
Lead	7439-92-1	2.0E+02	nc	4.6E+02	nc	1.0E+01	gws
Lead (tetraethyl)	78-00-2	7.8E-03	nc	1.2E-01	nc	1.3E-03	nc
Lithium	7439-93-2	1.6E+02	nc	2.3E+03	nc	4.0E+01	nc
Malathion	121-75-5	1.3E+03	nc	1.6E+04	nc	3.9E+02	nc
Maleic anhydride	108-31-6	6.3E+03	nc	8.0E+04	nc	1.9E+03	nc
Manganese (non-food)	7439-96-5	1.8E+03	nc	2.6E+04	nc	4.3E+02	nc
Mepfosolan	950-10-7	5.7E+00	nc	7.4E+01	nc	1.8E+00	nc
Mepiquat	24307-26-4	1.9E+03	nc	2.5E+04	nc	6.0E+02	nc
Mercury (elemental and inorganic)	7439-97-6	3.1E+00	Csat1	3.1E+00	Csat1	2.0E+00	gws
Mercury (methyl)	22967-92-6	7.8E+00	nc	1.2E+02	nc	2.0E+00	nc
Methacrylonitrile	126-98-7	7.6E+00	nc	1.0E+02	nc	1.9E+00	nc
Methanol	67-56-1	1.1E+05	Csat1	1.1E+05	Csat1	2.0E+04	nc
Methidathion	950-37-8	9.5E+01	nc	1.2E+03	nc	2.9E+01	nc
Methoxychlor	72-43-5	3.2E+02	nc	4.1E+03	nc	4.0E+01	gws
Methyl acetate	79-20-9	2.5E+04	nc	2.9E+04	Csat1	5.9E+03	nc
Methyl acrylate	96-33-3	1.6E+02	nc	6.6E+02	nc	4.2E+01	nc
Methyl Tertiary Butyl Ether (MTBE)	1634-04-4	4.4E+01	c	2.2E+03	c	1.2E+01	c
2-Methylaniline (o-tolidine)	95-53-4	3.2E+01	c	1.4E+03	c	4.2E+00	c
2-Methyl-4-chlorophenoxyacetic acid	94-74-6	3.2E+01	nc	4.1E+02	nc	7.5E+00	nc
4-(2-Methyl-4-chlorophenoxy) butyric acid	94-81-5	2.8E+03	nc	3.6E+04	nc	6.5E+02	nc
2-(2-Methyl-4-chlorophenoxy) propionic acid	93-65-2	6.3E+01	nc	8.2E+02	nc	1.6E+01	nc
4,4'-Methylenbisbenzenamine	101-77-9	3.2E+01	c	1.4E+01	c	4.2E-02	c
4,4'-Methylene bis(2-chloroaniline)	101-14-4	1.2E+00	c	2.3E+02	c	1.5E-01	c
4,4'-Methylene bis(N,N'-dimethylaniline)	101-61-1	1.1E+01	c	5.0E+02	c	6.5E-01	c
Methylene bromide	74-95-3	2.5E+01	nc	1.1E+02	nc	8.0E+00	nc

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ⁴	Industrial Soil ^{1,3} (mg/kg)	Value Basis ⁴	Ground Water ^{2,3} (ug/L)	Value Basis ⁴
Furan	110-00-9	9.1E+00	nc	4.2E+01	nc	5.3E+00	nc
Furazolidone	67-45-8	1.4E-01	c	6.0E+00	c	1.8E-02	c
Furfural	98-01-1	1.9E+01	c	9.4E+02	c	2.0E+00	c
Glycidaldehyde	765-34-4	2.4E+01	nc	2.1E+02	nc	1.7E+00	nc
Glyoxal	1071-83-6	6.3E+03	nc	8.2E+04	nc	7.0E+02	gws
Hephtachlor	76-44-8	1.3E-01	c	6.3+00	c	4.0E-01	gws
Hephtachlor epoxide	1024-57-3	6.7E-02	c	3.3E+00	c	2.0E-01	gws
Hexabromobenzene	87-82-1	1.5E+02	nc	2.0E+03	nc	1.2E+01	nc
Hexachlorobenzene	118-74-1	2.0E-01	c	6.1E+00	c	1.0E+00	gws
Hexachlorobutadiene	87-68-3	1.1E+00	c	1.7E+01	Csat1	1.2E-01	c
HCH (alpha)	319-84-6	8.2E-02	c	3.6E+00	c	6.4E-03	c
HCH (beta)	319-85-7	2.9E-01	c	1.3E+01	c	2.2E-02	c
HCH (gamma) Lindane	58-89-9	5.7E-02	c	8.0E-01	c	2.0E-01	gws
HCH-technical	608-73-1	2.9E-01	c	1.3E+01	c	2.2E-02	c
Hexachlorocyclopentadiene	77-47-4	1.9E+00	nc	8.0E+00	nc	5.0E+01	gws
Hexachlorobenzene-p-dioxin mixture (HxCDD)	Various	9.9E-05	c	4.7E-03	c	1.1E-05	c
Hexachloroethane	67-72-1	1.7E+00	c	8.6E+01	c	2.9E-01	c
Hexachlorophene	70-30-4	1.9E+01	nc	2.5E+02	nc	6.0E+00	nc
1,5-Hexamethylene diisocyanate	822-06-0	3.4E+00	nc	1.4E+01	nc	2.1E-02	nc
n-Hexane	110-54-3	1.4E+02	Csat1	1.4E+02	Csat1	1.5E+03	nc
Hexazinone	51235-04-2	2.1E+03	nc	2.7E+04	nc	6.4E+02	nc
HMX	2691-41-0	3.9E+03	nc	5.7E+04	nc	1.0E+03	nc
Hydrazine	302-01-2	3.0E-02	c	1.5E+00	c	9.5E-04	c
Hydrogen sulfide	7783-06-4	1.0E+06	max	1.0E+06	max	4.2E+00	c
p-Hydroquinone	123-31-9	8.6E+00	c	3.8E+02	c	1.1E+00	c
Iron	7439-89-6	5.5E+04	nc	8.2E+05	nc	1.4E+04	nc
Isobutanol	78-83-1	8.2E+03	nc	1.0E+04	Csat1	7.3E+02	nc
Isophorone	78-59-1	5.4E+02	c	2.4E+04	c	6.9E+01	c

OTHER

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ⁴	Industrial Soil ^{1,3} (mg/kg)	Value Basis ⁴	Ground Water ^{2,3} (ug/L)	Value Basis ⁴
N-Nitrosodiphenylamine	1116-54-7	1.8E-01	c	8.2E+00	c	2.5E-02	c
N-Nitrosodimethylamine	55-18-5	8.0E-04	c	1.5E-01	c	(1.6E-04)	c
N-Nitrosodiphenylamine	86-30-6	1.1E+02	c	4.7E+03	c	1.1E+01	c
N-Nitroso-di-n-propylamine	621-64-7	7.4E-02	c	3.3E+00	c	9.5E-03	c
N-Nitroso-N-methylthylamine	10595-95-6	1.9E-02	c	9.4E-01	c	6.2E-04	c
N-Nitrosopyrrolidine	930-55-2	2.5E-01	c	1.1E+01	c	3.3E-02	c
m-Nitrotoluene	99-08-1	6.3E+00	nc	8.2E+01	nc	1.7E+00	nc
o-Nitrotoluene	88-72-2	3.0E+00	c	1.5E+02	c	2.8E-01	c
p-Nitrotoluene	99-99-0	3.2E+01	c	1.4E+03	c	3.8E+00	c
Nustar	85509-19-9	1.3E+02	nc	1.6E+03	nc	3.1E+01	nc
Oryzalin	19044-88-3	6.6E+01	c	2.9E+03	c	7.0E+00	c
Oxadiazon	19666-30-9	7.3E+00	c	3.2E+02	c	4.4E-01	c
Oxamyl	23135-22-0	1.6E+03	nc	2.1E+04	nc	2.0E+02	gws
Oxyfluorfen	42874-03-3	7.1E+00	c	3.1E+02	c	4.8E-01	c
Paraquat dichloride	1910-42-5	2.8E+02	nc	3.7E+03	nc	9.0E+01	nc
Parathion	56-38-2	3.8E+02	nc	4.9E+03	nc	8.6E+01	nc
Pentachlorobenzene	608-93-5	5.0E+01	nc	5.0E+02	nc	2.0E+00	nc
Pentachloronitrobenzene	82-68-8	2.6E+00	c	1.3E+02	c	1.1E-01	c
Pentachlorophenol	87-86-5	9.6E-01	c	4.0E+01	c	1.0E+00	gws
Per- and Polyfluoroalkyl Substances (PFAS)							
Perfluorooctanesulfonic acid (PFOS)	1763-23-1	6.3E-03	nc	8.2E-02	nc	4.0E-03	gws
Perfluorooctanoic acid (PFOA)	335-67-1	1.8E-05	c	7.8E-04	c	4.0E-03	gws
Perchlorate and perchlorate salts	Various	5.5E+01	nc	8.2E+02	nc	1.4E+01	nc
Permethrin	5245-53-1	3.2E+03	nc	4.1E+04	nc	1.0E+03	nc
Phenol	108-95-2	1.9E+04	nc	2.5E+05	nc	5.8E+03	nc
m-Phenylenediamine	108-45-2	3.8E+02	nc	4.9E+03	nc	1.2E+02	nc
p-Phenylenediamine	106-50-3	6.3E+01	nc	8.2E+02	nc	2.0E+01	nc

CONTAMINANT	CAS No.	Residential Soil ^{1,3} (mg/kg)	Value Basis ⁴	Industrial Soil ^{1,3} (mg/kg)	Value Basis ⁴	Ground Water ^{2,3} (ug/L)	Value Basis ⁴
Methylene chloride	75-09-2	5.7E+01	c	3.3E+03	nc	5.0E+00	gws
Methylenediphenyl diisocyanate	101-68-8	8.5E+05	nc	1.0E+06	max		
Methyl ethyl ketone	78-93-3	2.8E+04	nc	2.8E+04	Csat	5.6E+03	nc
Methyl isobutyl ketone	108-10-1	3.4E+03	Csat	3.4E+03	Csat	1.2E+03	nc
Methyl methacrylate	80-62-6	2.4E+03	Csat	2.4E+03	Csat	1.4E+03	nc
2-Methyl-5-nitroaniline	99-55-8	5.7E-01	c	2.6E+03	c	7.2E+00	c
Methyl parathion	298-00-0	1.6E+01	nc	2.1E+02	nc	4.5E+00	nc
2-Methylphenol (o-Cresol)	95-48-7	3.2E+03	nc	4.1E+04	nc	9.3E+02	nc
3-Methylphenol (m-Cresol)	108-39-4	3.2E+03	nc	4.1E+04	nc	9.3E+02	nc
4-Methylphenol (p-Cresol)	106-44-5	1.3E+03	nc	1.6E+04	nc	3.7E+02	nc
Methyl styrene (mixture)	25013-15-4	3.3E+02	nc	3.9E+02	Csat	2.3E+01	nc
Methyl styrene (alpha)	98-83-9	5.0E+02	Csat	5.0E+02	Csat	7.8E+02	nc
Metolaclor (Dual)	51218-45-2	9.5E+03	nc	1.2E+05	nc	2.7E+03	nc
Methbuzin	21087-64-9	1.6E+03	nc	2.1E+04	nc	4.9E+02	nc
Mirex	2385-85-5	3.4E-02	c	1.7E+00	c	7.6E-04	c
Molybdenum	7439-98-7	3.9E+02	nc	5.8E+03	nc	1.0E+02	nc
Monochloramine	10599-90-3	7.8E+03	nc	1.2E+05	nc	4.0E+03	gws
Naled	300-76-5	1.2E+02	nc	1.1E+03	nc	1.2E+01	nc
Nickel and compounds	7440-02-0	1.4E+03	nc	1.7E+04	nc	1.0E+02	gws
Nitrate	14797-55-8	1.3E+05	nc	1.0E+06	max	1.0E+04	gws
Nitrite	14797-65-0	7.8E+03	nc	1.2E+05	nc	1.0E+03	gws
2-Nitroaniline	88-74-4	6.3E+02	nc	8.0E+03	nc	1.9E+02	nc
Nitrobenzene	98-96-3	4.8E+00	c	2.4E+02	c	1.2E-01	c
Nitrofanolin	67-20-9	4.4E+03	nc	5.7E+04	nc	1.4E+03	nc
Nitrofurazone	59-87-0	4.0E-01	c	1.8E+01	c	5.3E-02	c
Nitroglycerin	55-63-0	6.3E+00	nc	8.2E+01	nc	2.0E+00	nc
2-Nitropropane	79-46-9	5.9E-02	c	3.0E+00	c	8.4E-03	c
N-Nitrosodi-n-butylamine	924-16-3	9.4E-02	c	4.7E+00	c	2.4E-03	c

OTHER

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Value Basis ³	Industrial Soil ^{1,2} (mg/kg)	Value Basis ³	Ground Water ^{2,3} (ug/L)	Value Basis ³
1-Methylnaphthalene	90-12-0	1.3E+01	c	3.9E+02	Csat	5.7E-01	c
2-Methylnaphthalene	91-57-6	3.1E+02	nc	4.7E+03	nc	3.6E+01	nc
Naphthalene	91-20-3	2.2E+00	c	1.1E+02	c	1.0E-01	c
Phenanthrene	85-01-8	2.3E+04	nc	3.5E+05	nc	1.7E+03	nc
Pyrene	129-00-0	2.3E+03	nc	3.4E+04	nc	8.1E+01	nc
Prometon	1610-18-0	9.5E+02	nc	1.2E+04	nc	2.5E+02	nc
Promethin	7287-19-6	2.5E+03	nc	3.3E+04	nc	6.0E+02	nc
Propachlor	1918-16-7	8.2E+02	nc	1.1E+04	nc	2.5E+02	nc
Propantil	709-98-8	3.2E+02	nc	4.1E+03	nc	8.2E+01	nc
Propargite	2312-35-8	2.7E+00	c	1.2E+02	c	1.4E-01	c
n-Propylbenzene	103-65-1	2.6E+02	Csat	2.6E+02	Csat	6.6E+02	nc
Propylene glycol	57-55-6	1.0E+06	max	1.0E+06	max	4.0E+05	nc
Propylene glycol, monoethyl ether	1569-02-4	3.9E+04	Csat	3.9E+04	Csat	1.4E+04	nc
Propylene glycol, monoethyl ether	107-98-2	4.2E+04	nc	1.1E+05	Csat	3.2E+03	nc
Pursuit	81335-77-5	1.6E+05	nc	1.0E+06	max	4.7E+04	nc
Pyridine	110-86-1	5.9E+01	nc	5.5E+02	nc	5.9E+00	nc
Quinoline	91-22-5	1.7E-01	c	7.7E+00	c	2.1E-02	c
RDX (Cyclotite)	121-82-4	8.0E+00	c	3.8E+02	c	8.5E-01	c
Resmethrin	10453-86-8	1.9E+03	nc	2.5E+04	nc	6.7E+01	nc
Ronnel	299-84-3	3.8E+03	nc	5.2E+04	nc	2.1E+02	nc
Rotenone	83-79-4	2.5E+02	nc	3.3E+03	nc	6.1E+01	nc
Selenous Acid	7783-00-8	3.9E+02	nc	5.8E+03	nc	1.0E+02	nc
Selenium	7782-49-2	3.9E+02	nc	5.8E+03	nc	5.0E+01	gws
Silver and compounds	7440-22-4	3.9E+02	nc	5.8E+03	nc	9.4E+01	nc
Simazine	122-34-9	4.3E+02	c	1.9E+02	c	4.0E+00	gws
Sodium azide	26628-22-8	3.1E+02	nc	4.7E+03	nc	8.0E+01	nc
Sodium diethylthiocarbamate	148-18-5	1.9E+00	c	8.5E-01	c	2.5E-01	c
Strontium, stable	7440-24-6	4.7E+04	nc	7.0E+05	nc	1.2E+04	nc

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Value Basis ³	Industrial Soil ^{1,2} (mg/kg)	Value Basis ³	Ground Water ^{2,3} (ug/L)	Value Basis ³
2-Phenylphenol	90-43-7	2.7E+02	c	1.2E+04	c	2.7E+01	c
Phosphine	7803-51-2	2.3E+01	nc	3.5E+02	nc	5.7E-01	nc
Phosphorus (white)	7723-14-0	1.6E+00	nc	2.3E+01	nc	4.0E-01	nc
p-Phthalic acid	100-21-0	3.2E+04	nc	4.1E+05	nc	9.4E+03	nc
Phthalic anhydride	85-44-9	1.3E+05	nc	1.0E+06	max	3.9E+04	nc
Polybrominated biphenyls (PBBs)	36355-01-8	1.7E-02	c	7.7E-01	c	2.3E-03	c
Polychlorinated biphenyls (PCBs)	1336-36-3	2.9E-01	c	1.4E+01	c	5.0E-01	gws
Aroclor 1016	12674-11-2	5.5E+00	nc	8.2E+01	nc	2.0E-01	c
Aroclor 1221	11104-28-2	2.4E-01	c	1.2E+01	c	6.8E-03	c
Aroclor 1232	11141-16-5	2.0E-01	c	1.0E+01	c	6.8E-03	c
Aroclor 1242	53469-21-9	3.0E-01	c	1.5E+01	c	6.8E-03	c
Aroclor 1248	12672-29-6	3.0E-01	c	1.5E+01	c	6.8E-03	c
Aroclor 1254	11097-69-1	3.1E-01	c	1.5E+01	c	6.8E-03	c
Aroclor 1260	11096-82-5	3.1E-01	c	1.6E+01	c	6.8E-03	c
Polycyclic Aromatic Hydrocarbons (PAHs)							
Acenaphthene	83-32-9	4.2E+03	nc	4.9E+04	nc	2.6E+02	nc
Acenaphthylene	208-96-8	4.3E+03	nc	5.3E+04	nc	2.6E+02	nc
Anthracene	120-12-7	2.3E+04	nc	3.5E+05	nc	1.8E+03	nc
Benz[a]anthracene	56-55-3	1.5E+00	c	3.2E+02	c	2.8E-02	c
Benz[b]fluoranthene	205-99-2	1.1E+00	c	2.1E+02	c	2.4E-01	c
Benz[k]fluoranthene	207-08-9	1.1E+01	c	2.1E+03	c	2.4E+00	c
Benz[g,h,i]perylene	191-24-2	1.8E+03	nc	2.3E+04	nc	6.0E+02	nc
Benz[a]pyrene	50-32-8	1.1E-01	c	2.1E+01	c	2.0E-01	gws
Chrysene	218-01-9	1.1E+02	c	2.1E+04	c	2.4E+01	c
Dibenz[a,h]anthracene	53-70-3	1.1E-01	c	2.1E+01	c	2.4E-02	c
Fluorene	86-73-7	2.9E+03	nc	3.8E+04	nc	1.6E+02	nc
Indeno[1,2,3-cd]pyrene	193-39-5	1.1E+00	c	2.1E+02	c	2.4E-01	c

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Value Basis ⁴	Industrial Soil ^{1,2} (mg/kg)	Value Basis ⁴	Ground Water ^{2,3} (ug/L)	Value Basis ⁴
Trichlorofluoromethane	75-69-4	7.9E+02	nc	1.2E+03	Csatl	1.1E+03	nc
2,4,5-Trichlorophenol	95-95-4	6.3E+03	nc	8.2E+04	nc	1.2E+03	nc
2,4,6-Trichlorophenol	88-06-2	4.7E+01	c	8.2E+02	nc	3.6E+00	c
2,4,5-Trichlorophenoxyacetic Acid	93-76-5	6.3E+02	nc	8.2E+03	nc	1.6E+02	nc
2-(2,4,5-Trichlorophenoxy) propionic acid	93-72-1	5.1E+02	nc	6.6E+03	nc	5.0E+01	gws
1,1,2-Trichloropropane	598-77-6	1.8E+03	nc	1.1E+03	nc	2.8E+01	nc
1,2,3-Trichloropropane	96-18-4	5.1E-03	c	1.1E+00	c	7.2E-04	c
1,2,3-Trichloropropane	96-19-5	7.8E-01	nc	3.3E+00	nc	6.2E-01	nc
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon 113)	76-13-1	9.1E+02	Csatl	9.1E+02	Csatl	1.0E+04	nc
1,2,4-Trimethylbenzene	95-63-6	2.2E+02	Csatl	2.2E+02	Csatl	5.6E+01	nc
1,3,5-Trimethylbenzene	108-67-8	1.8E+02	Csatl	1.8E+02	Csatl	6.0E+01	nc
Trimethyl phosphate	512-56-1	2.6E+01	c	1.1E+03	c	3.4E+00	c
1,3,5-Trinitrobenzene	99-35-4	2.2E+03	nc	3.2E+04	nc	5.9E+02	nc
Tnitrophenylmethylnitramine (Tetryl)	479-45-8	1.6E+02	nc	2.3E+03	nc	3.9E+01	nc
2,4,6-Trinitrotoluene	118-96-7	2.0E+01	c	5.1E+02	c	2.2E+00	c
Vanadium and compounds	7440-62-2	4.0E+02	c	8.4E+03	nc	1.5E+02	nc
Vinclozolin	50471-44-8	7.6E+01	nc	9.8E+02	nc	2.1E+01	nc
Vinyl acetate	108-05-4	9.7E+02	nc	2.7E+03	Csatl	4.1E+02	nc
Vinyl bromide	593-60-2	2.4E-01	c	1.2E+01	c	3.2E-01	c
Vinyl chloride	75-01-4	6.0E-02	c	1.8E+01	c	2.0E+00	gws
Warfarin	81-81-2	1.9E+01	nc	2.5E+02	nc	5.6E+00	nc
Xylenes	1330-20-7	2.6E+02	Csatl	2.6E+02	Csatl	1.0E+04	gws
Zinc and Compounds	7440-66-6	2.3E+04	nc	3.5E+05	nc	6.0E+03	nc
Zinc phosphide	1314-84-7	2.3E+01	nc	3.5E+02	nc	6.0E+00	nc
Zineb	12122-67-7	3.2E+03	nc	4.1E+04	nc	9.9E+02	nc

Notes
 1. Where appropriate, the residential and industrial soil values consider ingestion and dermal exposure to soil and inhalation exposure to contaminants moving from soil to ambient air from volatilization or particulate emission.

OTHER

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Value Basis ⁴	Industrial Soil ^{1,2} (mg/kg)	Value Basis ⁴	Ground Water ^{2,3} (ug/L)	Value Basis ⁴
Strychnine	57-24-9	1.9E+01	nc	2.5E+02	nc	5.9E+00	nc
Styrene	100-42-5	8.7E+02	Csatl	8.7E+02	Csatl	1.0E+02	gws
tert-butanol	75-65-0	1.3E+03	c	6.5E+04	c	1.4E+02	c
2,3,7,8-Tetrachlorodibenzo-dioxin (TCDD/dioxin)	1746-01-6	4.9E-06	c	2.4E-04	c	3.0E-05	gws
1,2,4,5-Tetrachlorobenzene	95-94-3	2.3E+00	nc	3.1E+01	nc	1.6E-01	nc
1,1,1,2-Tetrachloroethane	630-20-6	1.9E+00	c	9.4E+01	c	5.0E-01	c
1,1,2,2-Tetrachloroethane	79-34-5	5.7E-01	c	2.6E+01	c	6.6E-02	c
Tetrachloroethylene (PCE)	127-18-4	2.2E+01	c	1.7E+02	Csatl	5.0E+00	gws
p,a-a-Tetrachloroethylene	5216-25-1	2.6E-02	c	1.3E+00	c	6.4E-04	c
Tetrahydrofuran	109-99-9	2.0E+04	nc	1.0E+05	nc	3.4E+03	nc
Thallium and compounds	7440-28-0	7.8E-01	nc	1.2E+01	nc	2.0E+00	gws
Thobencarb	28249-77-6	6.3E+02	nc	8.2E+03	nc	1.6E+02	nc
Thiocyanates	Various	1.6E+01	nc	2.3E+02	nc	4.0E+00	nc
Tin and compounds	7440-31-5	4.7E+04	nc	7.0E+05	nc	1.2E+04	nc
Toluene	108-88-3	8.2E+02	Csatl	8.2E+02	Csatl	1.0E+03	gws
Toluene-2,4-diamine	95-80-7	1.3E-01	c	5.7E+00	c	1.7E-02	c
Toluene-2,5-diamine	95-70-5	2.9E+00	c	1.3E+02	c	3.8E-01	c
Toluene-2,6-diamine	823-40-5	1.9E+03	nc	2.5E+04	nc	6.0E+02	nc
p-Toluidine	108-49-0	1.7E+01	c	7.7E+02	c	2.2E+00	c
Toxaphene	8001-35-2	4.7E-01	c	2.1E+01	c	3.0E+00	gws
1,2,4-Tribromobenzene	615-54-3	2.9E+02	nc	2.6E+03	nc	2.2E+01	nc
Tributyltin oxide (TBO)	56-35-9	1.9E+01	nc	2.5E+02	nc	5.7E+00	nc
2,4,6-Trichloroaniline	634-93-5	1.9E+00	nc	2.5E+01	nc	4.0E-01	nc
1,2,4-Trichlorobenzene	120-82-1	2.3E+01	c	2.6E+02	nc	7.0E+01	gws
1,1,1-Trichloroethane	71-55-6	6.4E+02	Csatl	6.4E+02	Csatl	2.0E+02	gws
1,1,2-Trichloroethane (TCE)	79-00-5	1.1E+00	c	6.8E+00	nc	5.0E+00	gws
Trichloroethylene (TCE)	79-01-6	9.2E-01	c	2.0E+01	c	5.0E+00	gws

Approved by Governor _____
 Date: _____

OTHER

Nursing Home Facilities and Services

I. INTRODUCTION

In 1987, the West Virginia Legislature established a moratorium on nursing home bed growth, skilled nursing home beds. There have been no new skilled nursing home beds since the moratorium.

These Standards address the criteria for the replacement of nursing homes facilities that need to be replaced due to the age and condition of the facility. A certificate of need application (CON) is required for the replacement of any facility that is to be located off the campus of the existing facility.

West Virginia Code § 16-2D-9(2) states... " Health services that cannot be developed:

(2) A person developing, constructing, or replacing a skilled nursing facility except in the case of facilities designed to replace existing beds in existing facilities that may soon be deemed unsafe or facilities utilizing existing licensed beds from existing facilities which are designed to meet the changing health care delivery system; (emphasis added)

A. Exemptions from Certificate of Need (CON)

Additional Exemptions from CON review which require submission of information to the Health Care Authority (Authority). Those providing the Replacement of Nursing Home Facilities and Services, which meet the following criteria, will not be required to address the standards.

West Virginia Code § 16-2D-11(3) states:

The obligation of a capital expenditure to acquire, either by purchase, lease or comparable arrangement, the real property, equipment or operations of a skilled nursing facility: Provided, That a skilled nursing facility developed pursuant to

CONTAMINANT	CAS No.	Residential Soil ^{1,2} (mg/kg)	Industrial Soil ^{1,3} (mg/kg)	Ground Water ³ (ug/l)	Value Basis ⁴
² Groundwater standards promulgated under 47CSR12 are provided, where available. Standards that are unavailable under 47CSR12 are based on a risk-based methodology that considers ingestion, dermal, and inhalation exposure arising from the domestic use of groundwater. ³ The concentrations in this table shall be applied where the exposure pathways described in footnotes 1 and 2 are the major contributors to risks identified in the site assessment. If other exposure pathways are identified, the acceptable concentrations shall be determined only in consultation with the Secretary, considering all exposure pathways, and all other requirements of the regulations. ⁴ Basis of standard: c – cancer effect; nc – noncancer effect; max – calculated risk-based concentration exceeds maximum possible contaminant level of 1x10 ⁶ mg/kg; Cat – calculated risk-based concentration exceeds residual saturation level; gws – West Virginia Groundwater Quality Standards from 47CSR12.					

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subdivision (15) of this section and subsequently acquired pursuant to this subdivision may not transfer or sell any of the skilled nursing home beds of the acquired skilled nursing facility until the skilled nursing facility has been in operation for at least 10 years.

Also West Virginia Code § 16-2D-11(21) states:

(21) The transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital to a skilled nursing facility providing intermediate care and skilled nursing services. The Department of Health and Human Resources may not create a policy which limits the transfer, purchase or sale of intermediate care or skilled nursing beds from a skilled nursing facility or a skilled nursing unit of an acute care hospital. The transferred beds shall retain the same certification status that existed at the nursing home or hospital skilled nursing unit from which they were acquired. If construction is required to place the transferred beds into the acquiring nursing home, the acquiring nursing home has one year from the date of purchase to commence construction;

II. Definitions

- A. Continuum of Care: That range of social and health services needed or utilized by individuals over a period of time which emphasizes and or supports the continual integrity of the individual and his/her ability to function with existing or threatened impairments or disabilities.
- B. Discharge Planning: A centralized, coordinated effort that ensures that each patient discharged from a health care facility has a planned program of needed continuing care and follow-up that seeks optimum functioning of that patient.
- C. Long-Term Care: Care that relieves discomfort, retards physical or mental deterioration and promotes the highest level of independence possible among individuals with chronic physical or mental disabilities. Long-term care shall provide not only medical care, but also services which meet an individual's personal, social, psychological, and nutritional needs.
- D. Medicaid: A federally-aided, state-operated and administered program that provides medical benefits for certain low-income persons in need of health and medical care. The program, authorized by Title XIX of the Social Security Act, is basically for the poor. Subject to broad federal guidelines, states determine the benefits covered, program eligibility, rates of payment of hospitals and other providers, and methods of administering the program.

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E. Medicare: A federally-administered health insurance programs for the aged and certain eligible disabled individuals under Title XVIII of the Social Security Act.

F. New Nursing Home Beds: Any intermediate or skilled nursing home beds that are added to the beds already existing in a service area. These beds may be added to a currently operating facility or may be in a new facility.

G. Nursing Home: A facility licensed by the state to provide skilled and /or intermediate levels of care.

H. Private Pay Patient: A patient, who either directly or through a private insurance program pays fully for his/her own care.

I. Replacement Nursing Home Beds: Any intermediate of skilled nursing home beds that are built in place of beds that have been or are intended to be closed.

J. Respite Care: Care of a disabled person for a short-term continuous length of time (usually less than 30 days) in a protected environment. The care is generally designed to allow the disabled person's primary care giver (relative or friend) to enjoy a temporary rest period in which he/she is not constantly caring for the patient.

K. Skilled Nursing Facility (SNF): An institution or distinct part of an institution certified by the U. S. Department of Health and Human Services (DHHS) to be in compliance with SNF standards and conditions and with which a provider agreement has been executed by the Title XVIII and Title XIX of the Social Security Act.

L. Skilled Nursing Services: Health-related care and services provided to individuals who do not require the degree of care and treatment which an acute care facility is designed to provide, but because of their physical or mental condition need professional nursing services. A patient needing any one of these services is considered a skilled nursing care patient. The services are:

1. Suction Therapy
2. Oxygen
3. Colostomy - ileostomy or ureterostomy
4. Intravenous and subcutaneous fluids
5. Catheters

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III. SERVICE AREA

The service area is within the State of West Virginia where the replacement facility will be physically located.

IV. NEED METHODOLOGY

All applicants must demonstrate that the proposed replacement facility meets the requirement below:

west Virginia Code § 16-2D-9(2) states... " Health services that cannot be developed:

(2) A person developing, constructing, or replacing a skilled nursing facility except in the case of facilities designed to replace existing beds in existing facilities that may soon be deemed unsafe or facilities utilizing existing licensed beds from existing facilities which are designed to meet the changing health care delivery system;

V. QUALITY

A. All applicants shall document that they will be in compliance with all current applicable CMS and Medicaid requirements. The applicant shall document that the Nursing Home will have access to all the ancillary support services as required for licensure and/or certification

B. The applicant shall provide information on program design including:

- (1) Programming;
- (2) Administrative; (3) Oversight functions.

VI. CONTINUUM OF CARE

A. Each client must receive a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services that is directed towards (1) the acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; (2) the prevention of deceleration of regression or loss of current optimal functional status; (3) discharge planning as appropriate and respite care if applicable..

B. Nursing Homes will develop referral relationships and cooperative agreements with other health care providers, behavioral health community services, and volunteer and support groups.

VII. COST

A. No CON shall be granted for a replacement of a Nursing Home, unless the applicant demonstrates that the project is financially feasible within the first three years of operation. Further, no such services shall be deemed consistent with the State Health Plan unless the projected costs are consistent with allowable costs provided for in the applicable federal reimbursement statutes and regulations. Costs shall be deemed to be reasonable if they are permitted under governing federal statutes and regulations on reimbursement.

VIII. ACCESSIBILITY

Applicants seeking to replace an existing Nursing Home shall demonstrate compliance with the following criteria: Selection policies which provide that no person shall be denied appropriate services on account of age, sex, race, color, creed, national origin, physical or behavioral disability, type of payor, or ability to pay.

IX. OTHER

An applicant for the replacement of a Nursing Home must provide additional information, as may be requested by the HCA.