

# WEST VIRGINIA CODE: §64-5-1

## **§64-5-1. Department of Health.**

(a) The legislative rule filed in the State Register on August 27, 2024, authorized under the authority of §16-1-4 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 11, 2024, relating to the Department of Health (public water systems, 64 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on August 30, 2024, authorized under the authority of §16-4C-23 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 25, 2024, relating to the Department of Health (statewide trauma and emergency care system, 64 CSR 27), is authorized.

(c) The legislative rule filed in the State Register on September 3, 2024, authorized under the authority of §16-1-4 of this code, relating to the Department of Health (fatality and mortality review team, 64 CSR 29), is authorized.

(d) The legislative rule filed in the State Register on September 3, 2024, authorized under the authority of §16-5-3 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 25, 2024, relating to the Department of Health (vital statistics, 64 CSR 32), is authorized.

(e) The legislative rule filed in the State Register on August 27, 2024, authorized under the authority of §16-4C-23 of this code, relating to the Department of Health (emergency medical services, 64 CSR 48), is authorized.

(f) The legislative rule filed in the State Register on August 27, 2024, authorized under the authority of §16-2H-2 of this code, relating to the Department of Health (Primary Care Support Program, 64 CSR 70), is authorized.

(g) The legislative rule filed in the State Register on August 27, 2024, authorized under the authority of §16A-3-1 of this code, modified by the Department of Health to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 25, 2024, relating to the Department of Health (general provisions of the Medical Cannabis Program, 64 CSR 109), is authorized.

(h) The legislative rule filed in the State Register on August 30, 2024, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health (grower and processors of the Medical Cannabis Program, 64 CSR 110), is authorized.

(i) The legislative rule filed in the State Register on August 30, 2024, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health (laboratories of the Medical Cannabis Program, 64 CSR 111), is authorized.

(j) The legislative rule filed in the State Register on August 27, 2024, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health (dispensaries of the Medical Cannabis Program, 64 CSR 112), is authorized.

(k) The legislative rule filed in the State Register on August 29, 2024, authorized under the authority of §16A-3-1 of this code, relating to the Department of Health (Safe Harbor Letter for the Medical Cannabis Program, 64 CSR 113), is authorized.

(l) The legislative rule filed in the State Register on December 5, 2023, authorized under the authority of §16B-3-14 of this code, relating to the Department of Health (critical access hospitals, 65 CSR 09), is authorized with the amendments set forth below:

On page 1, subsection 1.1., by striking out "W. Va. Code §16-5B-14(d)" and inserting in lieu thereof "W. Va. Code §16B-3-14";

On page 1, subsection 1.2., by striking out "W. Va. Code §16-5B-14(d)" and inserting in lieu thereof "W. Va. Code §16B-3-14";

On page 2, subsection 2.2., by striking out the words "and Human Resources";

And,

On page 2, subdivision 3.2.3., after the words "Medical Treatment &" by inserting the word "Labor".

(m) The Legislature directs the Department of Health to amend the legislative rule filed in the State Register on April 4, 2022, authorized under the authority of §16-1-4 of this code, relating to the Department of Health (sewage treatment and collection system design standards, 64 CSR 47), authorized with the amendment set forth below:

On pages 69 through 72, by striking out Table 64-47-B and inserting in lieu thereof a new Table 64-47-B to read as follows:

TABLE 64-47-B.- MINIMUM DESIGN LOADINGS FOR SEWAGE TREATMENT FACILITIES

Facility Description	Unit Sewage Design Flow (gpd)	Unit Five-Day BOD (lbs/day)
Airports	15	.05
Each employee	5	.02
Each passenger		
Assembly halls	2	.02
Per seat		
Bowling alleys (no food service)	75	.13
Per alley	225	
Per alley with bar		

**Brewery	2	.02
Per seat manufacture and sampling only	5	.04
Per seat with ABCA License for onsite consumption by the glass <sup>1</sup>		
Churches	5	.02
Per member with kitchen	2	.01
Per member without kitchen		
**Cidery	2	.02
Per seat manufacture and sampling only	5	.04
Per seat with ABCA License for onsite consumption by the glass <sup>1</sup>		
Clinics	20	.03
Per staff	5	.02
Per patient		
Country clubs	25	.05
Per member (non-resident)	70	.17
Per member (resident)		
**Distillery	2	.02
Per seat manufacture and sampling only	5	.04
Per seat with ABCA License for onsite consumption by the glass <sup>1</sup>		
Domestic sewage	70	.17*
Residences (per resident -a-)	50	.17
New collection system	140	.34
Summer cottages, etc., per resident Apartment houses—one bedroom	210	.51
—two	280	.60
—three		
Factories (per worker)	35	.04
Heavy with café and shower	25	.02
Light with café	25	.02
Light with shower	20	.02
Light		
Hospitals	300	.34
Each patient (bedside)	100	.17
Each resident staff	20	.02
Each non-resident staff		
Hotels, boarding houses (Exclusive of restaurants, bars) per guest	50	.15
Industrial park (sanitary waste only)	500	.84
Per developable acre		
Institutions	70	.17
Per resident		
Laundry (coin operated)	400	1.34
Per machine		
Labor camps	50	
Per person		
Mine bath houses	15	.03
Per worker		
Mobile homes	280	.68
Per mobile home		
Motels (exclusive or restaurant or bar) Per unit	80	.15
Nursing and rest homes	150	.26
Per resident	70	.17
Per resident staff		
Offices and warehouses	20	.03
Per workers, no food service	5	.01
Add for food service, per worker		

Recreation	10	.02
Parks, picnic areas, and beach areas	25	.05
Campground, per person	5	.01
Amphitheater, per person	5	.01
Historical site, per person	70	.17
Lodges, per person	70	.17
Park residences, per person	30	.05
Park washhouse, per person		
Restaurants	50	.17
24-hour service, per seat	30	.10
Ordinary, not 24-hour service, per seat	50	.17
Curb service (drive-in), per car space	25	.06
Fast food (single service), per seat		
Schools	8	.02
Elementary, each staff or student	10	.03
High school, each staff or student	70	.17
Boarding school		
Service stations	500	.80
Ordinary, not 24-hour service	1000	1.60
24-hour service		
Shopping mall per 100 sq. ft.	15	.03
Shopping center Based on individual store occupancy		
Swimming pools	5	.01
Per swimmer	2	.01
Add for shower facilities, per swimmer		
Taverns and bars, little or no food service	20	.04
Per seat		
Theaters	4	.008
Drive-in, per car space	2	.004
Movie, per seat		
Travel Trailer Park (b)	35	.075
No water to site, per person	50	.10
Water to site, per person		
**Winery	2	.02
Per seat manufacture and sampling only	5	.04
Per seat with ABCA License allowing on site consumption by the glass <sup>1</sup>		
Disco/Dance Halls, per seat	5	.01
Beauty parlors/barber shops	150	.50
Per chair	20	.02
Per operator		
Dentist	200	.10
Per chair	20	.02
Per staff		
Doctor	5	.01
Per patient	20	.02
Per staff		

(a) Assume four persons per residence

(b) Assume three persons per travel trailer site

\*See subsections 5.1.d.3., 5.1.d.4., 5.1.d.5.

\*\* A calculation should be based upon an average of winter (November - March) usage and summer (April - October) usage

<sup>1</sup> Requirement of the ABCA License is that there must be food offered for sale onsite by the facility or an outside food or mobile food vendor

(NOTE 1: These factors do not apply to the design of municipal sewage systems. Refer to subsection 6.1. for design loadings for municipal sewage systems.)

(NOTE 2: If proposed facilities are not listed in the table above, and average daily water usage data is available, a peaking factor of 2.5 shall be required.)

(NOTE 3: Five-Day BOD, BOD<sub>5</sub> or BOD5 is the scientific method used to accurately measure dissolved oxygen consumption, by comparison of dissolved oxygen in a sample at the beginning and at the end of a five-day period.)

**§64-5-1. Department of Health.**

WV Legislature