WEST VIRGINIA CODE CHAPTER 64

WV Legislature

§64-1-1. Legislative authorization.

Under the provisions of article three, chapter twenty-nine-a of the Code of West Virginia, the Legislature expressly authorizes the promulgation of the rules described in articles two through eleven, inclusive, of this chapter, subject only to the limitations set forth with respect to each such rule in the section or sections of this chapter authorizing its promulgation. Legislative rules promulgated pursuant to the provisions of articles one through eleven, inclusive, of this chapter in effect at the effective date of this section shall continue in full force and effect until reauthorized in this chapter by legislative enactment or until amended by emergency rule pursuant to the provisions of article three, chapter twenty-nine-a of this code.

WV Legislature

§64-2-1. Department of Administration.

The legislative rule filed in the State Register on August 22, 2025, authorized under the authority of §5A-13-6 of this code, modified by the Department of Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 23, 2025, relating to the Department of Administration (One-Stop Shop Permitting Program, 148 CSR 25), is authorized.

WV Legislature

§64-2-2. Office of Technology.

The legislative rule filed in the State Register on July 18, 2025, authorized under the authority of §5A-6B-3 of this code, modified by the Office of Technology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 14, 2025, relating to the Office of Technology (cyber reporting, 163 CSR 03), is authorized.

WV Legislature

§64-2-3. Board of Risk and Insurance Management.

(a) The legislative rule filed in the State Register on July 18, 2025, authorized under the authority of §33-30-15 of this code, modified by the Board of Risk and Insurance Management to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 14, 2025, relating to the Board of Risk and Insurance Management (mine subsidence insurance, 115 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 8, 2025, authorized under the authority of §29-12-14 of this code, modified by the Board of Risk and Insurance Management to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2025, relating to the Board of Risk and Insurance Management (public entities insurance program, 115 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on July 21, 2025, authorized under the authority of §29-12-5 of this code, relating to the Board of Risk and Insurance Management (Preferred Medical Liability and High-Risk Medical Liability Program, 115 CSR 06), is authorized.

WV Legislature

§64-2-4. Public Defender Services.

The legislative rule filed in the State Register on August 19, 2024, authorized under the authority of §29-21-5 of this code, relating to the Public Defender Services (payment of fees and reimbursement of expenses of court-appointed attorneys, 89 CSR 01), is authorized.

WV Legislature

§64-2-5. State Building Commission.

The procedural rule effective on July 21, 1995, authorized under the authority of section three, article nine-a, chapter six of this code, relating to the State Building Commission (procedural rules for meetings, 159 CSR 1), is repealed.

WV Legislature

§64-2-6. Public Employees Insurance Agency.

The procedural rule effective on June 20, 1991, authorized under the authority of section six, article sixteen, chapter five of this code, relating to the Public Employees Insurance Agency (procedural rules for the Public Employees Insurance Agency Advisory Board, 151 CSR 5), is repealed.

WV Legislature

§64-2-7. Board of Risk and Insurance Management.

The legislative rule effective on April 14, 1992, authorized under the authority of section five, article twelve, chapter twenty-nine of this code, relating to the Board of Risk and Insurance Management (discontinuation of professional malpractice insurance, 115 CSR 4), is repealed.

WV Legislature

§64-3-1. Department of Environmental Protection.

(a) The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (alternative emission limitations during startup and shutdown operations, 45 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (ambient air quality standards, 45 CSR 08), is authorized.

(c) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (standards of performance for new stationary sources, 45 CSR 16), is authorized.

(d) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control of air pollution from combustion of solid waste, 45 CSR 18), is authorized.

(e) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (control of air pollution from hazardous waste treatment, storage, and disposal facilities, 45 CSR 25), is authorized.

(f) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (emission standards for hazardous air pollutants, 45 CSR 34), is authorized.

(g) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-5-4 of this code, relating to the Department of Environmental Protection (cross-state air pollution rule to control annual nitrogen oxides emissions, annual sulfur dioxide emissions, and ozone season nitrogen oxides emissions, 45 CSR 43), is authorized.

(h) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §22-18-6 of this code, relating to the Division of Water and Waste Management (hazardous waste management system, 33 CSR 20), is authorized.

(i) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §22-11-4 of this code, modified by the Department of Environmental Protection to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 8, 2026, relating to the Division of Water and Waste Management (requirements governing water quality standards, 47 CSR 02), is authorized with the following amendment:

On page 42, subsection 8.23. by striking the number “20” and inserting in lieu thereof the number “120”.

WV Legislature

(j) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §22-11-10 of this code, modified by the Department of Environmental Protection to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 8, 2026, relating to the Department of Environmental Protection (carbon dioxide sequestration fee schedule, 47 CSR 09B), is authorized with the following amendment:

On page 5, section 4.7.1, after the word “paid” and before the semicolon by inserting the words “and other relevant evidence of the fair market value requested by the Commission”.

WV Legislature

§64-3-1a. Department of Environmental Protection, Air Quality.

The legislative rule filed in the State Register on July 24, 2015, authorized under the authority of section four, article five, chapter twenty-two, of this code, relating to the Department of Environmental Protection, Air Quality (standards of performance for new stationary sources, 45 CSR 16), is authorized with the following amendment set forth below:

On page 2, following subdivision 4.1,b., by adding the following new subdivision:

"4.1.c. The following subparts of 40 CFR Part 60 relating to wood-burning heaters and appliances are expressly excluded and are not adopted or incorporated by reference in this rule:

4.1.c.1. The 2015 amendments to subpart AAA; and

4.1.c.2. Subpart QQQQ."

WV Legislature

§64-3-2. Department of Environmental Protection – Secretary's Office.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §22-32-7 of this code, relating to the Department of Environmental Protection – Secretary's Office (reclamation of solar and wind electricity generating facilities, 60 CSR 11), is authorized with the following amendments:

On page 5, subparagraph 4.1.d.iii after the word, 'slabs" by inserting the words "to a minimum depth of 36 inches below the surface";

On page 5, subsection 4.4 after the word "receipt" by adding the following:

"The department shall only deny an alternative decommissioning agreement if they determine that it will not result in the restoration of the property to a condition in which it can be used towards the same or a similar use as its use prior to the onset of the alternative decommissioning agreement.";

And,

On page 7, by striking out subdivision 6.2.a and inserting in lieu thereof subdivision 6.2.a to read as follows:

"6.2.a. Estimated costs of decommissioning and salvage value as submitted by the owner in the decommissioning plan and in accordance with these rules with such costs estimated by the department using current machinery production handbooks and publications or other documented or substantiated cost estimates acceptable to the department."

WV Legislature

§64-3-3. Environmental Quality Board.

(a) The legislative rule effective on June 30, 2005, authorized under the authority of section four, article three, chapter twenty-two-b of this code, relating to the Environmental Quality Board (requirements governing water quality standards, 46 CSR 1), is repealed.

(b) The procedural rule effective on February 19, 1996, authorized under the authority of section three, article three, chapter twenty-nine-a of this code, relating to the Environmental Quality Board (requests for information, 46 CSR 8), is repealed.

(c) The procedural rule effective on July 27, 1984, authorized under the authority of section three, article one, chapter twenty-two-b of this code, relating to the Environmental Quality Board (rules governing the notice of open meetings under the Open Governments Proceedings Act, 46 CSR 5), is repealed.

WV Legislature

§64-3-4. Miner Training, Education and Certification Board.

(a) The legislative rule effective on June 1, 1992, authorized under the authority of section six, article nine, chapter twenty-two of this code, relating to the Miner Training, Education and Certification Board (certification of blasters for surface coal mines and surface areas of underground mines, 48 CSR 5), is repealed.

(b) The legislative rule effective on July 1, 1993, authorized under the authority of section six, article nine, chapter twenty-nine of this code, relating to the Miner Training, Education and Certification Board (standards for certification of blasters for surface coal mines and surface areas of underground mines, 56 CSR 5), is repealed.

(c) The procedural rule effective on September 11, 1983, authorized under the authority of section eight, article three, chapter twenty-nine-a of this code, relating to the Miner Training, Education and Certification Board (temporary suspension of certificates issued to persons pending full hearing before the board of appeals, 48 CSR 16), is repealed.

WV Legislature

§64-3-5 Water Resources Board.

(a) The legislative rule effective on August 25, 1993, authorized under the authority of article five-a, chapter twenty of this code, relating to the Water Resources Board (State National Pollutant Discharge Elimination System Program, 46 CSR 2), is repealed.

(b) The legislative rule effective on July 1, 1987, authorized under the authority of article five-a, chapter twenty of this code, relating to the Water Resources Board (requirements governing the State National Pollutant Discharge Elimination System, 46 CSR 3), is repealed.

WV Legislature

§64-3-6. Air Quality Board.

The procedural rule effective on February 2, 1996, authorized under the authority of section three, article three, chapter twenty-nine-a of this code, relating to the Air Quality Board (requests for information, 52 CSR 2), is repealed.

WV Legislature

§64-3-7. Oil and Gas Inspectors Examining Board.

The procedural rule effective on January 18, 2009, authorized under the authority of section three, article seven, chapter twenty-two-c of this code, relating to the Oil and Gas Inspectors Examining Board (matters pertaining to the rules and regulations dealing with the Oil and Gas Inspectors Examining Board, 40 CSR 1), is repealed.

WV Legislature

§64-4-1. Division of Rehabilitation Services.

The legislative rule filed in the State Register on July 19, 2013, authorized under the authority of section six, article ten-l, chapter eighteen of this code, modified by the Division of Rehabilitation Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2013, relating to the Division of Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 1), is authorized.

WV Legislature

§64-5-1. Department of Health.

(a) The legislative rule filed in the State Register on April 2, 2008, authorized under the authority of §16-1-4 of this code, relating to the Department of Health (water well regulations, 64 CSR 19), is authorized with the amendment set forth below:

By striking out everything after the section 1 heading and inserting in lieu thereof to read as follows:

1.1. Scope. — This legislative rule establishes the certification requirements for water well drillers; pump installers, and the issuance of permits for water wells. The purpose is to protect the public health, protect and prevent contamination in groundwater, and ensure fair and equitable rules for the construction of water wells and installing pumps and pumping equipment in the State of West Virginia.

1.2. Authority. — W. Va. Code §§16-1-4, 16-1-6(n), 16-1-9, and 16-1-9a.

1.3. Filing Date. — .

1.4. Effective Date. — .

1.5. Sunset Provision. — This rule shall terminate and have no further force or effect on August 1, 2028.

WV Legislature

§64-5-2. Department of Health and Human Resources and the Insurance Commissioner.

The legislative rule filed in the State Register on July 29, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Department of Health and Human Resources and the Insurance Commissioner (All-Payers Claims Database - Submission Manual, 114A CSR 03), is disapproved.

WV Legislature

§64-5-3. Department of Health and Human Resources and Insurance Commission.

(a) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §33-4A-8 of this code, modified by the Department of Health and Human Resources and Insurance Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 27, 2021, relating to the Department of Health and Human Resources and Insurance Commission (All Payer Claims Database - Data Submission Requirements, 114A CSR 01), is authorized with the amendments set forth below:

On page 3, subsection 2.20. by striking out the word “procedural” and inserting in lieu thereof the word “legislative”;

And

On page 5, subsection 4.2. by striking out the word “procedural” and inserting in lieu thereof the word “legislative”

(b) The legislative rule filed in the State Register on July 30, 2021, authorized under the authority of §33-4A-4 of this code, relating to the Department of Health and Human Resources and Insurance Commission (All-Payer Claims Database Program’s Privacy and Security Requirements, 114A CSR 02), is authorized.

WV Legislature

§64-5A-1. Department of Human Services.

(a) The legislative rule filed in the State Register on September 13, 2024, authorized under the authority of §16-59-2 of this code, modified by the Department of Human Services to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 26, 2024, relating to the Department of Human Services (Recovery Residence Certification and Accreditation Program, 69 CSR 15), is authorized with the amendments set forth below:

On page 6, subsection 6.4., after the period by inserting the words "The information regarding how to make a complaint with the Office of Health Facility Licensure and Certification and regarding human trafficking, as approved and provided by the Office of Health Facility Licensure and Certification on their website, shall be posted in a common area in each recovery residence."; On page 6, subdivision 6.5.5., by striking out the word "and";

On page 6, after subdivision 6.5.6., by adding two new subdivisions, designated as subdivision 6.5.7. and 6.5.8. to read as follows:

6.5.7. Disclose and list any other healthcare facility and recovery residence owned or managed by the applicant in any state in the United States; and

6.5.8. Disclose whether the applicant is part of any lawsuit or regulatory action in any state in the United States related to patient care, human trafficking, labor exploitation, or financial misconduct.;

On page 9, after subsection 6.16., by inserting two new subsections, designated as subsection 6.17. and subsection 6.18. to read as follows:

6.17. Resident Exit Survey

6.17.1. Upon discharge of a resident, the recovery residence shall provide to the discharged resident a link or QR code for the resident to be able to complete an exit survey in a form to be prescribed by the Office of Health Facility Licensure and Certification.

6.18. Referral of Complaints

6.18.1. The Office of Health Facility Licensure and Certification, the certifying agency, and the West Virginia Fusion Center may refer complaints and information received among each other and with law enforcement and criminal justice support agencies, as appropriate.;

And,

By renumbering the remaining subsections.

On page 11, subdivision 6.20.2., by striking out the words "certifying agency" and inserting

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in lieu thereof the word "Director";

And,

On pages 12 through 13, by striking out all of subsection 7.1. and inserting in lieu thereof a new subsection 7.1. to read as follows:

7.1. All recovery residences shall submit the following data to the Office of Health Facility Licensure and Certification as described in this section:

7.1.1. The state residency or citizenship of each individual resident;

7.1.2. Whether the resident is receiving medication-assisted treatment and the name of the treatment provider, along with any and all referral, profit sharing, or any other agreements between the participant, recovery residence, or provider, or any combination thereof;

7.1.3. The specific source of all referrals the recovery residence received;

7.1.4. The number of hours the resident volunteered or worked for any business, organization, or other entity that is owned, in whole or in part, or affiliated with the recovery residence, any parent company, or employee, as a condition or part of the resident's stay at the recovery residence, the hourly rate the resident is paid for any such work, and the total amount of payments or benefits received from the resident's work;

7.1.5. The monthly rent the resident paid, any rent paid by a third party or outside source, and any rent reductions, including but not limited to, no rent or deferred rent, the resident received for working or volunteering, or any other reasons;

7.1.6. The length of the resident's stay and, if known, where the resident went after leaving the residence, and reason the resident left;

7.1.7. Whether the resident is receiving any other behavioral health treatment and the name of the treatment provider, along with any and all referral, profit sharing, or any other agreements between the participant, recovery residence, or provider, or any combination thereof;

7.1.8. Retain copies of all leases or participation agreement or terms required of any participant that have been provided to new participants or signed by any participant during the reporting period, for five years after the resident leaves the recovery residence and make them available to the Office of Inspector General and Department of Human Services upon request;

7.1.9. Retain copies of any agreements for referrals, financial compensation, or any agreement between a recovery residence and a provider of treatment which have been in effect during the reporting period, for five years after the resident leaves the recovery residence and make them available to the Office of Inspector General and Department of

WV Legislature

Human Services upon request; and

7.1.10. Any other information the Director of the Office of Health Facility Licensure and Certification may require to analyze the performance of the recovery residence and determine if patient brokering, human trafficking, or other criminal activity is occurring.

(b) The legislative rule filed in the State Register on October 22, 2024, authorized under the authority of §9-3-6 of this code, relating to the Department of Human Services (pilot program for drug screening of applicants for cash assistance, 78 CSR 26), is authorized.

(c) The Legislature directs the Department of Human Services to amend the legislative rule filed in the State Register on May 11, 2021, authorized under the authority of §49-2-121 of this code, relating to the Department of Human Services (child placing agencies licensure, 78 CSR 02), is authorized with the amendment set forth below:

On page 1, subsection 1.5. by striking out the number "2026" and inserting in lieu thereof the number "2031";

On page 29, by striking out all of paragraph 13.2.1.b.;

And,

Renumbering the remaining paragraphs accordingly.

WV Legislature

§64-5A-2. Family Protection Services Board.

The legislative rule filed in the State Register on July 13, 2023, authorized under the authority of §48-26-403 of this code, modified by the Family Protection Services Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 7, 2023, relating to the Family Protection Services Board (domestic violence program licensure standards, 191 CSR 02), is authorized.

WV Legislature

§64-5B-1. Office of Inspector General.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §16B-4-5 of this code, modified by the Office of Inspector General to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2025, relating to the Office of Inspector General (nursing home licensure, 71 CSR 15), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §16B-10-11 of this code, relating to the Office of Inspector General (delegation of medication administration and health maintenance tasks to approved medication assistive personnel, 71 CSR 17), is authorized with the following amendment:

On page 3, subsection 2.14 by striking the period inserting in lieu thereof a comma and the following, "this includes a dial-up insulin pen."

And,

On page 13, subsection 9.2, following the period by inserting the following "Selecting or setting the amount on a dial-up insulin pen to an amount prescribed is ministerial in nature and is not deemed an exercise of clinical or judgment decision-making."

(c) The legislative rule filed in the State Register on May 28, 2025, authorized under the authority of §16B-5-5 of this code, relating to the Office of Inspector General (assisted living residences, 71 CSR 21), is authorized with the following amendments:

On page 4, by striking out all of subdivision 2.23.1 and inserting in lieu thereof a new subdivision 2.23.1. to read as follows: "A serious injury resulting from a fall, accident, or other event;";

On page 6, after subsection 2.36., by adding two new subsections, designated 2.37. and 2.38., to read as follows: “2.37. Serious injury. — means to cause an injury requiring medical attention beyond routine first aid, including fractures, lacerations requiring closure, burns, or any condition resulting in limited mobility or functional restriction.

“2.38. Videoconferencing. – Real-time, two-way audiovisual communication between the resident and one or more individuals through technology designed for interactive conversations, such as computers, tablets, or smartphones equipped with approved software or applications. Videoconferencing does not include security cameras, monitoring devices, doorbell cameras, surveillance systems, hidden cameras, live-stream or continuously operating video feeds, recording devices, or any equipment used for observation rather than interactive communication.”;

On page 18, subdivision 4.6.1. by striking out the word "volunteers" and inserting in lieu thereof the words "uncompensated direct access personnel as defined in W. Va. Code §16B-15-1 et seq.";

WV Legislature

On page 18, paragraph 4.6.1.b. by striking out the word "volunteer" and inserting in lieu thereof the words "uncompensated direct access personnel as defined in W. Va. Code §16B-15-1 et seq.";

On page 23, subsection 5.2.11., by striking out the word "The" and inserting in lieu thereof the words: "Except as may be provided in subsection 5.3.10. of this rule, the";

And,

On page 24, after subdivision 5.3.9., by adding a new subdivision, designated 5.3.10. to read as follows: "5.3.10. A resident may have and utilize videoconferencing equipment and technology in their private room if all of the following conditions exist:

5.3.10.a. The resident makes the facility aware of the equipment and videoconferencing technology;

5.3.10.b. The facility allows or authorizes the videoconferencing technology, software and equipment;

5.3.10.c. The resident is made aware and adheres to the facility policies regarding use of videoconferencing, including required notice or signage to those entering the room of a resident that is utilizing videoconferencing, how to handle breaches of privacy in live videoconferencing and recorded and stored media, and times in which privacy of the resident or others may dictate non-usage;

5.3.10.d. There is a notice posted to those entering facility that videoconferencing equipment and technology may be in use in residents' apartment or room; and

5.3.10.e. Similar to the acceptance and use of a telephone, the resident must actively allow or accept incoming videoconferencing or initiate outgoing videoconferencing for each use. A resident shall not have or be authorized to use uninterrupted video feed on a full-time basis or hidden cameras.

(d) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §16-64-7 of this code, modified by the Office of Inspector General to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 23, 2025, relating to the Office of Inspector General (syringe services program licensure, 71 CSR 24), is authorized.

(e) The legislative rule filed in the State Register on May 29, 2025, authorized under the authority of §27-9-1 of this code, relating to the Office of Inspector General (behavioral health centers licensure, 71 CSR 25), is authorized with the following amendment:

On page 2, by inserting a new subsection 2.7. to read as follows: "2.7. The director shall deem the license of a child placing agency providing behavioral health services within the scope of its license as described in 78CSR02."

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And,

Renumber the remaining subsections accordingly.

WV Legislature

§64-5C-1. Department of Health Facilities.

The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §27-5-9 of this code, relating to the Department of Health Facilities (patient rights at state-operated mental health facilities, 64 CSR 59), is authorized.

WV Legislature

§64-6-1. Governor's Committee on Crime, Delinquency, and Correction.

The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-29-3 of this code, modified by the Governor's Committee on Crime, Delinquency, and Correction to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Governor's Committee on Crime, Delinquency, and Correction (law-enforcement training and certification standards, 149 CSR 02), is authorized with the following amendment:

On page 3, subdivision 3.3.1., by striking out the words “suspends or”.

WV Legislature

§64-6-2. Fire Commission.

The legislative rule filed in the State Register on June 3, 2025, authorized under the authority of §15A-11-3 of this code, modified by the Fire Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 6, 2025, relating to the Fire Commission (fire code, 87 CSR 01), is authorized.

WV Legislature

§64-6-3. State Emergency Response Commission.

The legislative rule filed in the State Register on January 8, 2025, authorized under the authority of §15-5A-5 of this code, modified by the State Emergency Response Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 13, 2025, relating to the State Emergency Response Commission (emergency planning and community right-to-know, 55 CSR 01), is authorized.

WV Legislature

§64-6-4. West Virginia State Police.

(a) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §15-2-5 of this code, modified by the West Virginia State Police to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the West Virginia State Police (West Virginia State Police Career Progression System, 81 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §15-2-18 of this code, modified by the West Virginia State Police to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the West Virginia State Police (contracted police or security services, 81 CSR 05), is authorized.

(c) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §15-2-6 of this code, modified by the West Virginia State Police to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the West Virginia State Police (West Virginia State Police Member Grievance Procedure, 81 CSR 08), is authorized.

WV Legislature

§64-6-5. West Virginia State Police.

(a) The legislative rule filed in the State Register on July 27, 2023, authorized under the authority of §15-2-6 of this code, relating to the West Virginia State Police (West Virginia State Police member grievance procedures, 81 CSR 08), is authorized.

(b) The legislative rule filed in the State Register on July 27, 2023, authorized under the authority of §17C-16-4 of this code, modified by the West Virginia State Police to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 26, 2023, relating to the West Virginia State Police (motor vehicle inspections, 81 CSR 19), is authorized.

WV Legislature

§64-7-1. Alcohol Beverage Control Administration.

The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §60-7-10 of this code, modified by the Alcohol Beverage Control Administration to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 11, 2025, relating to the Alcohol Beverage Control Administration (private clubs, 175 CSR 02), is authorized with the following amendment:

On page 40, by striking out 4.2 through 4.2.5 in their entirety and inserting in lieu thereof the following:

“4.2. Age for purchase of alcoholic beverages. - No licensee shall sell any alcoholic beverage or nonintoxicating beer to individuals below the age of 21 years. The licensee must verify an individual’s age by requiring proof of age from at least one of the following documents certifying the age and depicting the identity of the holder of the document:

4.2.1. A valid West Virginia driver's license showing that the holder is at least 21 years of age and the photograph on the license matches the holder.

4.2.2. A valid West Virginia Commercial Driver’s license (CDL) showing that the holder is at least 21 years of age and the photograph on the license matches the holder.

4.2.3. A valid West Virginia Department of Motor Vehicles (WV DMV) identification or a valid West Virginia Mobile ID issued by the WV DMV showing that the holder is at least 21 years of age and the photograph on the identification or WV Mobile ID matches the holder.

4.2.3.a. In order to accept a valid West Virginia Mobile ID, a licensee must download a West Virginia DMV approved reader/verifier application or "APP". Approved WV DMV reader/verifier APP vendors include, but are not limited to Credence mID, Idemia (Mobile ID Verify), TapID, and any other WV DMV approved reader/verifier APP vendors. Note, any other digital identification or any other photograph/copy of an identification is not an acceptable form of identification.

4.2.3.b. Utilizing a WV DMV approved reader/verifier APP that has age verification, the licensee must first confirm the validity of a holder’s WV Mobile ID. A holder would need to share data with the licensee which at minimum includes their name, photo, and birthdate to complete the validation process. If a holder chooses to not share the pertinent data with the licensee, then the licensee cannot complete a sale of alcohol using the WV Mobile ID.

4.2.3.c. Upon a holder sharing the data set forth in section 4.2.3.b., a licensee using a WV DMV approved reader/verifier APP with age verification shall confirm the holder's WV Mobile ID is valid. Simultaneously, the WV DMV approved reader/verifier APP with age verification will verify if the holder is 21 years of age or over, or that the holder is not 21 years of age or over. Additionally, the licensee must verify the photograph on the WV Mobile ID matches the holder before completing the sale of any alcohol to a holder that is 21 years

WV Legislature

of age or older. If a holder's purported WV Mobile ID is not confirmed as valid or the holder is not 21 years of age, then the licensee cannot complete the sale of alcohol. Note, the licensee using a WV DMV approved reader/verifier APP with age verification remains responsible to confirm the proper age and identity of the holder, as with any other valid form of identification.

4.2.4. A valid driver's license from another state showing that the holder is at least 21 years of age and the photograph on the license matches the holder may be accepted if there is no indication or evidence that the license has been altered.

4.2.5. Any other valid means of satisfactory proof with picture identification showing the holder to be at least 21 years of age and the photograph on the document matches the holder, such as a valid government issued passport, United States military identification, United States VISA documents, or a United States issued permanent resident card.

The failure to produce satisfactory proof of age with a valid form of identification upon demand requires the licensee to refuse to sell alcoholic beverages to the individual."

WV Legislature

§64-7-2. Division of Financial Institutions.

(a) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §31-17-3 of this code, modified by the Division of Financial Institutions to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 10, 2025, relating to the Division of Financial Institutions (residential mortgage lenders, brokers, and loan originators, 106 CSR 05), is authorized with the following amendment:

On page 1, subsection 2.1, line 1, following the words "Pursuant to" by striking "W. Va. Code §31A-8-12b(1)" and inserting in lieu thereof "W. Va. Code §31A-8-12b(a)(1)"; and

On page 3, section 4, line 4, following the word "to" by striking "subsections" and inserting in lieu thereof "sections".

(b) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §31A-8-12b of this code, relating to the Division of Financial Institutions (the installation, operation, and sharing of customer bank communication terminals and the utilization of nonexclusive access interchange system, 106 CSR 07), is authorized with the following amendment:

On page 8, subsection 9.1, line 4, following the word "subsections" by striking "3.1. u or 6.1. o" and inserting in lieu thereof "3.1.21 or 6.1.15";

On page 8, subsection 11.2, line 4, following the word "subsections" by striking "3.1. dd. or 6.1. x." and inserting in lieu thereof "3.1.30 or 6.1.24"; and

On page 9, subsection 14.1, line 3, following the words "W. Va. Code" by striking "§31-17A-5(c)" and inserting in lieu thereof "§31-17A-5".

(c) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §31A-4-33 of this code, relating to the Division of Financial Institutions (the notice and treatment of joint accounts, 106 CSR 17), is authorized.

(d) The legislative rule filed in the State Register on February 3, 2025, authorized under the authority of §31A-8G-3 of this code, relating to the Commissioner of Financial Institutions (Fintech Regulatory Sandbox Program, 106 CSR 21), is authorized.

WV Legislature

§64-7-3. Insurance Commissioner.

(a) The legislative rule filed in the State Register on April 16, 2025, authorized under the authority of §33-12-37 of this code, relating to the Insurance Commissioner (fingerprinting requirements for applicants for insurance producer license and insurance adjuster license, 114 CSR 02A), is authorized.

(b) The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commission (premium financing for life insurance for college students, 114 CSR 07), is authorized.

(c) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commission (mass marketing of property and liability insurance, 114 CSR 09), is authorized.

(d) The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commission (advertisement of accident and sickness insurance, 114 CSR 10), is authorized;

(e) The legislative rule filed in the State Register on April 16, 2025, authorized under the authority of §33-12B-12 of this code, relating to the Insurance Commissioner (insurance adjusters, 114 CSR 25), is authorized.

(f) The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §33-27-14 of this code, modified by the Insurance Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2025, relating to the Insurance Commission (insurance holding company systems, 114 CSR 35), is authorized.

(g) The legislative rule filed in the State Register on April 16, 2025, authorized under the authority of §33-2-10 of this code, modified by the Insurance Commissioner to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 21, 2025, relating to the Insurance Commissioner (credit for reinsurance, 114 CSR 40), is authorized.

The legislative rule filed in the State Register on April 16, 2025, authorized under the authority of §33-15-4u of this code, relating to the Insurance Commissioner (mental health parity, 114 CSR 64), is authorized.

WV Legislature

§64-7-4. Lottery Commission.

The legislative rule filed in the State Register on June 25, 2025, authorized under the authority of §29-22E-4 of this code, relating to the Lottery Commission (interactive wagering, 179 CSR 10), is authorized.

WV Legislature

§64-7-5. Racing Commission.

(a) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §19-23-6 of this code, modified by the Racing Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2025, relating to the Racing Commission (thoroughbred racing, 178 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 22, 2025, authorized under the authority of §19-23-12e of this code, relating to the Racing Commission (Advance Deposit Account Wagering, 178 CSR 10), is authorized.

WV Legislature

§64-7-6. Tax Division.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §11-1C-11b of this code, relating to the Tax Division (valuation of timberland and managed timberland, 110 CSR 01H), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §11-1C-5 of this code, modified by the Tax Division to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Tax Division (valuation of public utility property for ad valorem property tax purposes, 110 CSR 01M), is authorized.

(c) The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §11-13FF-5 of this code, modified by the Tax Division to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 26, 2025, relating to the Tax Division (tax credit for providing vehicles to low-income workers, 110 CSR 13FF), is authorized.

(d) The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §11-13GG-16 of this code, relating to the Tax Division (Downstream Natural Gas Manufacturing Investment Tax Credit, 110 CSR 13GG), is authorized.

(e) The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §11-13II-5 of this code, relating to the Tax Division (High-Wage Growth Business Tax Credit, 110 CSR 13II), is authorized.

(f) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §11-13AA-10 of this code, relating to the Tax Division (commercial patent incentives tax credits, 110 CSR 13Q), is authorized.

(g) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §47-21A-23 of this code, modified by the Tax Division to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Tax Division (on-line bingo and raffles, 110 CSR 16A), is authorized.

(h) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §11-10-5 of this code, relating to the Tax Division (Soft Drinks Tax, 110 CSR 19), is authorized.

(i) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §11-13MM-6 of this code, modified by the Tax Division to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Tax Division (income tax credits for property taxes paid, 110 CSR 21H), is authorized with the following amendment:

On page 5, subsection 4.4, line 2, following the word “spouse” by striking “that” and inserting in lieu thereof “who”;

On page 5, subsection 4.5, line 2, following the word “veteran’s” by striking “homestead or an eligible widowed spouse” and inserting in lieu thereof “or an eligible widowed spouse’s homestead”; and

On page 5, subsection 4.5, line 3, following the words “veteran’s” by inserting “or eligible widowed spouse’s”.

(j) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §5F-2-2 of this code, relating to the Tax Division (preneed cemetery companies, 110 CSR 36), is authorized.

WV Legislature

§64-7-7. Directors of the West Virginia Health Insurance Plan.

The legislative rule filed in the State Register on the twenty-eighth day of July, two thousand eleven, authorized under the authority of section seven-b, article forty-eight, chapter thirty-three, of this code, relating to the Board of Directors of the West Virginia Health Insurance Plan (premium subsidy, 113 CSR 1), is authorized.

WV Legislature

§64-8-1. Division of Motor Vehicles.

(a) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §17A-2-9 of this code, relating to the Division of Motor Vehicles (motor vehicle equipment, 91 CSR 11), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §17A-2A-8 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 22, 2025, relating to the Division of Motor Vehicles (compulsory motor vehicle liability insurance, 91 CSR 13), is authorized.

(c) The legislative rule filed in the State Register on June 23, 2025, authorized under the authority of §17A-13-1 of this code, relating to the Division of Motor Vehicles (special purpose vehicles, 91 CSR 25), is authorized.

WV Legislature

§64-8-2. Division of Motor Vehicles.

(a) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2024, relating to the Division of Motor Vehicles (denial, suspension, revocation, disqualification, restriction, non-renewal, cancellation, administrative appeals, and reinstatement of driving privileges, 91 CSR 05), is authorized with the following amendment:

On page 6, after subsection 6.4. by adding a new subsection 6.5. to read as follows:

6.5. Credit for revocation/suspension served: In the event that a state or jurisdiction neglects to provide a conviction to West Virginia within a sufficient time to assess a revocation or suspension period required by this state concurrently with the revocation or suspension period assessed by the state or jurisdiction where the offense occurred and upon the request of a non-commercial license holder, the Division, after confirming the proof submitted by the driver, may provide credit for any license revocation or suspension period served that was imposed by the state or jurisdiction where the offense occurred in order to satisfy all or a portion of a revocation or suspension period required by this State for a West Virginia non-commercial drivers license holder, unless prohibited by federal law. Evidence that a person requesting relief under this provision drove during the period for which credit is sought shall be treated as if the person drove while the license was suspended or revoked by this State.

(b) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17D-2-2 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 4, 2024, relating to the Division of Motor Vehicles (disclosure of information from the files of the Division of Motor Vehicles, 91 CSR 08), is authorized.

(c) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17C-13-6 of this code, modified by the Division of Motor Vehicles to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2024, relating to the Division of Motor Vehicles (handicapped placards, 91 CSR 10), is authorized.

(d) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17C-5A-3 of this code, relating to the Division of Motor Vehicles (Safety and Treatment Program, 91 CSR 15), is authorized.

(e) The legislative rule filed in the State Register on August 14, 2024, authorized under the authority of §17A-3-25 of this code, relating to the Division of Motor Vehicles (State Vehicle Title, Registration and Relicensing Project of 2018, 91 CSR 24), is authorized.

WV Legislature

§64-8-3. Parkways Authority.

The legislative rule filed in the State Register on July 31, 2024, authorized under the authority of §17-16D-14 of this code, modified by the Parkways Authority to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 11, 2024, relating to the Parkways Authority (supporting electronic toll collection and enforcement, 184 CSR 05), is authorized.

WV Legislature

§64-9-1. Department of Agriculture.

(a) The legislative rule filed in the State Register on June 23, 2025, authorized under the authority of §19-20-6 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2025, relating to the Department of Agriculture (registration forms and tags for registration, taxation, and control of dogs, 61 CSR 01B), is authorized.

(b) The legislative rule filed in the State Register on June 24, 2025, authorized under the authority of §19-5-1 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 18, 2025, relating to the Department of Agriculture (grades and standards for apples, 61 CSR 08), is authorized.

(c) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §19-1-4 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Department of Agriculture (public markets, 61 CSR 11), is authorized.

(d) The legislative rule filed in the State Register on June 23, 2025, authorized under the authority of §19-10B-9 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 18, 2025, relating to the Department of Agriculture (licensing of livestock dealers, 61 CSR 11H), is authorized.

(e) The legislative rule filed in the State Register on July 8, 2025, authorized under the authority of §19-11E-8 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Department of Agriculture (Grade A pasteurized milk, 61 CSR 15), is authorized.

(f) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §19-12E-7 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 4, 2025, relating to the Department of Agriculture (select plant-based derivatives and select plant-based derivative products of hemp and kratom, 61 CSR 30), is authorized with the following amendments:

On page 3, subsection 2.20. by striking out the words “2.0 percent and naturally derived” and inserting in lieu thereof the words “10 milligrams per dose”;

On page 4, subsection 2.30. after the word “occurring” by inserting the word “and”;

On page 11, subsection 8.13. by striking out the word “percentage” and inserting in lieu

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thereof the word " milligram";

And,

On page 14, paragraph 11.2.a.2., by striking out the words "2 percent and non-naturally occurring/synthetic products" and inserting in lieu thereof the words "10 milligrams per dose and non-naturally occurring and fully synthetic products.

(g) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §19-36-1 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 24, 2025, relating to the Department of Agriculture (agritourism, 61 CSR 37), is authorized.

8. The legislative rule filed in the State Register on March 6, 2025, authorized under the authority of §19-11E-8 of this code, modified by the Department of Agriculture to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 20, 2025, relating to the Department of Agriculture (exempted dairy farms and milk and milk products processing, 61 CSR 40), is authorized.

WV Legislature

§64-9-2. Board of Architects.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-12-1 of this code, modified by the Board of Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 8, 2025, relating to the Board of Architects (registration of architects, 2 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-12-3 of this code, modified by the Board of Architects to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 8, 2025, relating to the Board of Architects (fees for registration of architects, 2 CSR 03), is authorized.

WV Legislature

§64-9-3. Attorney General.

(a) The legislative rule filed in the State Register on June 5, 1985, authorized under the authority of §46A-6A-8 of this code, relating to the Attorney General (the establishment and qualification of third-party dispute mechanisms, 142 CSR 03), is authorized with the amendment set forth below:

On page 1, by adding a new subsection 1.6. to read as follows:

"1.6. Sunset Provision – This rule shall terminate and have no further force or effect on August 1, 2036."

(b) The legislative rule filed in the State Register on June 12, 1985, authorized under the authority of §61-11A-6 of this code, relating to the Attorney General (fair treatment of crime victims and witnesses, 142 CSR 04), is authorized with the amendment set forth below:

On page 1, by adding a new subsection 1.5. to read as follows:

"1.5. Sunset Provision – This rule shall terminate and have no further force or effect on August 1, 2036."

(c) The legislative rule filed in the State Register on May 4, 1987, authorized under the authority of §46A-6-103 of this code, relating to the Attorney General (the prevention of unfair or deceptive acts or practices in home improvement transactions, 142 CSR 05), is authorized with the amendments set forth below:

On page 1, by adding a new subsection 1.10. to read as follows:

"1.10. Sunset Provision – This rule shall terminate and have no further force or effect on August 1, 2036."

(d) The legislative rule filed in the State Register on May 14, 1987, authorized under the authority of §46A-6-103 of this code, relating to the Attorney General (the prevention of unfair or deceptive acts or practices in the sale of damaged goods or damaged products, 142 CSR 06), is authorized with the amendments set forth below:

On page 1, by adding a new subsection 1.10. to read as follows:

"1.10. Sunset Provision – This rule shall terminate and have no further force or effect on August 1, 2036."

(e) The legislative rule filed in the State Register on May 27, 1988, authorized under the authority of §47-14-9 of this code, relating to the Attorney General (administration of preneed burial contracts, 142 CSR 08), is authorized with the amendments set forth below:

On page 1, by adding a new subsection 1.10. to read as follows:

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"1.10. Sunset Provision – This rule shall terminate and have no further force or effect on August 1, 2036."

WV Legislature

§64-9-4. State Auditor.

The legislative rule filed in the State Register on February 7, 2025, authorized under the authority of §12-3-10 of this code, modified by the State Auditor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 17, 2025, relating to the State Auditor (standards for requisitions for payment issued by the state officers on the Auditor, 155 CSR 01), is authorized with the following amendment:

On page 8, by striking out the entirety of subsection 7.3.

WV Legislature

§64-9-5. Board of Barbers and Cosmetologists.

(a) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-27-6 of this code, modified by the Board of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 19, 2025, relating to the Board of Barbers and Cosmetologists (qualifications, training, examination, and certification of instructors in barbering, hair styling, nail technology, aesthetics, waxing, and cosmetology, 3 CSR 02), is authorized with the amendments.

(b) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-27-6 of this code, modified by the Board of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 19, 2025, relating to the Board of Barbers and Cosmetologists (operational standards for schools of barbering, cosmetology, hair styling, nail technology, and aesthetics, 3 CSR 04), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-27-6 of this code, modified by the Board of Barbers and Cosmetologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 23, 2025, relating to the Board of Barbers and Cosmetologists (barber apprenticeship, 3 CSR 13), is authorized.

(d) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-27-6 of this code, relating to the Board of Barbers and Cosmetologists (waxing specialists, 3 CSR 14), is authorized.

WV Legislature

§64-9-6. Contractor Licensing Board.

The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-42-5 of this code, relating to the Contractor Licensing Board (West Virginia Contractor Licensing Act, 28 CSR 02), is authorized.

WV Legislature

§64-9-7. Board of Examiners in Counseling.

(a) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-31-6 of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2025, relating to the Board of Examiners in Counseling (licensing, 27 CSR 01), is authorized with the following amendment:

On page 3, subsection 5.1., after the word "Board." By adding the following:

"*Provided*, That an individual covered by W. Va. Code §30-1-27 shall be subject only to the requirements for licensure found in W. Va. Code §30-1-27."

(b) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-31-6 of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2025, relating to the Board of Examiners in Counseling (licensed professional counselor license renewal and continuing professional education requirements, 27 CSR 03), is authorized.

(c) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-31-6 of this code, modified by the Board of Examiners in Counseling to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2025, relating to the Board of Examiners in Counseling (marriage and family therapist licensing, 27 CSR 08), is authorized with the following amendment:

On page 3, subsection 5.1., after the word "Board." by adding the following:

"Provided, That an individual covered by W. Va. Code §30-1-27 shall be subject only to the requirements for licensure found in W. Va. Code §30-1-27."

WV Legislature

§64-9-8. Board of Funeral Service Examiners.

The legislative rule filed in the State Register on August 29, 2024, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 22, 2024, relating to the Board of Funeral Service Examiners (funeral director, embalmer, apprentice, courtesy card holders, and funeral establishment requirements, 6 CSR 01), is authorized.

WV Legislature

§64-9-9. Board of Funeral Service Examiners

The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-6-6 of this code, modified by the Board of Funeral Service Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 10, 2025, relating to the Board of Funeral Service Examiners (funeral directors, embalmers, apprentices, courtesy card holders, and funeral establishment requirements, 6 CSR 01), is authorized.

WV Legislature

§64-9-10. Board of Landscape Architects.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-22-7 of this code, relating to the Board of Landscape Architects (fees, 9 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-1-23 of this code, relating to the Board of Landscape Architects (application for waiver of initial licensing fees for certain individuals, 9 CSR 04), is authorized.

WV Legislature

§64-9-11. Board of Medicine.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-3E-3 of this code, relating to the Board of Medicine (licensure, practice requirements, disciplinary and complaint procedures, continuing education, physician assistants, 11 CSR 01B), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-3-7 of this code, relating to the Board of Medicine (continuing education for physicians and podiatric physicians, 11 CSR 06), is authorized.

WV Legislature

§64-9-12. Medical Imaging and Radiation Therapy Technology Board of Examiners.

(a) The legislative rule filed in the State Register on June 3, 2025, authorized under the authority of §30-23-7 of this code, modified by the Medical Imaging Technologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 13, 2025, relating to the Medical Imaging Technologists (Medical Imaging and Radiation Therapy Technology Board of Examiners, 18 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on June 3, 2025, authorized under the authority of §30-23-7 of this code, relating to the Medical Imaging and Radiation Therapy Technology Board of Examiners (continuing education, 18 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on July 16, 2025, authorized under the authority of §30-23-7 of this code, modified by the Medical Imaging and Radiation Therapy Technology Board of Examiners to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on August 13, 2025, relating to the Medical Imaging and Radiation Therapy Technology Board of Examiners (standards of ethics, 18 CSR 05), is authorized.

WV Legislature

§64-9-13. Municipal Pensions Oversight Board.

The legislative rule filed in the State Register on October 9, 2024, authorized under the authority of §8-22-18a of this code, relating to the Municipal Pensions Oversight Board (exempt purchasing, 211 CSR 02), is authorized.

WV Legislature

§64-9-14. Board of Occupational Therapy.

The legislative rule filed in the State Register on June 3, 2025, authorized under the authority of §30-28-7 of this code, relating to the Board of Occupational Therapy (continuing education and competence, 13 CSR 04), is authorized.

WV Legislature

§64-9-15. Board of Optometry.

(a) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §30-8-6 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2025, relating to the Board of Optometry (the Board of Optometry, 14 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §30-8-6 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2025, relating to the Board of Optometry (oral pharmaceutical certificate, 14 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §30-8-6 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2025, relating to the Board of Optometry (schedule of fees, 14 CSR 05), is authorized.

(d) The legislative rule effective August 15, 2011, authorized under the authority of §30-8-1 of this code, relating to the Board of Optometry (interview evaluation, 14 CSR 06), is repealed.

(e) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §30-8-6 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2025, relating to the Board of Optometry (licensure by reciprocity, 14 CSR 08), is authorized.

(f) The legislative rule filed in the State Register on July 23, 2025, authorized under the authority of §30-8-6 of this code, modified by the Board of Optometry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2025, relating to the Board of Optometry (continuing education, 14 CSR 10), is authorized.

WV Legislature

§64-9-16. Board of Osteopathic Medicine.

(a) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-14-14 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 9, 2025, relating to the Board of Osteopathic Medicine (licensing procedures for osteopathic physicians, 24 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 28, 2025, authorized under the authority of §30-14-14 of this code, modified by the Board of Osteopathic Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 9, 2025, relating to the Board of Osteopathic Medicine (osteopathic physician assistants, 24 CSR 02), is authorized.

(c) The legislative rule filed in the State Register on March 27, 2025, authorized under the authority of §30-14-14 of this code, relating to the Board of Osteopathic Medicine (emergency temporary permits to practice during States of Emergency or States of Preparedness, 24 CSR 09), is authorized.

WV Legislature

§64-9-17. Board of Pharmacy.

(a) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (licensure and practice of pharmacy, 15 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (mail-order and non-resident pharmacies, 15 CSR 06), is authorized.

(c) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-11a of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (registration of pharmacy technicians, 15 CSR 07), is authorized.

(d) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (pharmacist recovery networks, 15 CSR 10), is authorized.

(e) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (immunizations administered by pharmacists, pharmacy interns, and pharmacy technicians, 15 CSR 12), is authorized.

(f) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (pharmacy permits, 15 CSR 15), is authorized.

(g) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (pharmacists, 15 CSR 16), is authorized.

(h) The legislative rule filed in the State Register on July 24, 2025, authorized under the

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authority of §30-5-7 of this code, modified by the Board of Pharmacy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 22, 2025, relating to the Board of Pharmacy (inspections, 15 CSR 19), is authorized.

WV Legislature

§64-9-18. Board of Physical Therapy.

(a) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-20-6 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2025, relating to the Board of Physical Therapy (general provisions for physical therapist and physical therapist assistant, 16 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §30-20A-2 of this code, modified by the Board of Physical Therapy to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 21, 2025, relating to the Board of Physical Therapy (general provisions for athletic trainers, 16 CSR 05), is authorized.

WV Legislature

§64-9-19. Psychologists.

The legislative rule filed in the State Register on August 18, 2025, authorized under the authority of §30-21-6 of this code, modified by the Psychologists to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 19, 2025, relating to the Psychologists (requirements for licensure as a psychologist or a school psychologist, 17 CSR 03), is authorized.

WV Legislature

§64-9-20. Public Service Commission.

The legislative rule filed in the State Register on March 12, 2025, authorized under the authority of §24-2E-3 of this code, relating to the Public Service Commission (the occupancy of customer-provided conduit, 150 CSR 37), is authorized.

WV Legislature

§64-9-21. Real Estate Commission.

The legislative rule filed in the State Register on July 31, 2025, authorized under the authority of §30-40-8 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 18, 2025, relating to the Real Estate Commission (licensing real estate brokers, associate brokers, and salespersons, and the conduct of brokerage business, 174 CSR 01), is authorized with the following amendment:

On page 13, by striking out the entirety of subsection 16.4.

WV Legislature

§64-9-22. Secretary of State.

The legislative rule filed in the State Register on June 24, 2025, authorized under the authority of §3-1-48 of this code, relating to the Secretary of State (loan and grant programs under the Help America Vote Act for the purchase of voting equipment, election systems, software, services, and upgrades, 153 CSR 10), is authorized.

WV Legislature

§64-9-23. Senior Services.

The legislative rule filed in the State Register on July 21, 2025, authorized under the authority of §16-5S-9a of this code, relating to the Senior Services (shared table initiative for senior citizens, 76 CSR 06), is authorized.

WV Legislature

§64-9-24. Board of Social Work.

The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §30-30-6 of this code, relating to the Board of Social Work (fee schedule, 25 CSR 03), is authorized.

WV Legislature

§64-9-25. Real Estate Appraiser Licensing and Certification Board.

The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-38-9 of this code, modified by the Real Estate Appraiser Licensing and Certification Board to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 6, 2019, relating to the Real Estate Appraiser Licensing and Certification Board (requirements for licensure and certification, 190 CSR 02), is authorized.

WV Legislature

§64-9-26. Real Estate Commission.

(a) The legislative rule filed in the State Register on July 2, 2019, authorized under the authority of §30-1-23 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 7, 2019, relating to the Real Estate Commission (application for waiver of initial licensing fees for certain individuals, 174 CSR 06), is authorized.

(b) The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-1-24 of this code, modified by the Real Estate Commission to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 3, 2019, relating to the Real Estate Commission (consideration of prior criminal convictions in initial license eligibility determination, 174 CSR 07), is authorized.

WV Legislature

§64-9-27. Board of Examiners for Registered Professional Nurses.

(a) The legislative rule filed in the State Register on October 11, 2019, authorized under the authority of §30-7-4 of this code, relating to the Board of Examiners for Registered Professional Nurses (requirements for registration and licensure and conduct constituting professional misconduct, 19 CSR 03), is authorized.

(b) The legislative rule filed in the State Register on August 22, 2019, authorized under the authority of §30-1-23 of this code, modified by the Board of Examiners for Registered Professional Nurses to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 7, 2019, relating to the Board of Examiners for Registered Professional Nurses (request for waiver of initial licensing fees for certain individuals, 19 CSR 15), is authorized.

WV Legislature

§64-9-28. West Virginia Board of Respiratory Care.

(a) The legislative rule filed in the State Register on June 27, 2019, authorized under the authority of §30-34-6a of this code, modified by the West Virginia Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 1, 2019, relating to the West Virginia Board of Respiratory Care (establishment of fees, 30 CSR 02), is authorized.

(b) The legislative rule filed in the State Register on June 27, 2019, authorized under the authority of §30-34-6a of this code, modified by the West Virginia Board of Respiratory Care to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 2, 2019, relating to the West Virginia Board of Respiratory Care (student temporary permit, 30 CSR 09), is authorized.

(c) The legislative rule filed in the State Register on December 10, 2019, authorized under the authority of §30-1-24 of this code, relating to the Board of Respiratory Care (consideration of prior criminal convictions in initial licensure determinations, 30 CSR 10), is authorized.

WV Legislature

§64-9-29. Board of Sanitarians.

The legislative rule filed in the State Register on November 1, 2019, authorized under the authority of §30-17-6 of this code, modified by the Board of Sanitarians to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 7, 2020, relating to the Board of Sanitarians (waiver of initial application fees and criteria for initial licensure, 20 CSR 05), is authorized.

WV Legislature

§64-9-30. Board of Social Work.

(a) The legislative rule filed in the State Register on September 27, 2019, authorized under the authority of §30-30-6 of this code, modified by the Board of Social Work to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 1, 2019, relating to the Board of Social Work (qualifications for the profession of social work, 25 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on July 10, 2019, authorized under the authority of §30-30-6 of this code, modified by the Board of Social Work to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on October 10, 2019, relating to the Board of Social Work (fee schedule, 25 CSR 03), is authorized.

WV Legislature

§64-9-31. Board of Speech-Language Pathology and Audiology.

(a) The legislative rule filed in the State Register on June 28, 2019, authorized under the authority of §30-32-7 of this code, modified by the Board of Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 4, 2019, relating to the Board of Speech-Language Pathology and Audiology (licensure of speech-pathology and audiology, 29 CSR 01), is authorized with the following amendments:

On page seven, subdivision 10.8.1.a., following the word “for”, by inserting the words, “active duty”.

And,

On page seven, subdivision 10.8.2.a., following the word “for”, by inserting the words, “active duty”.

(b) The legislative rule filed in the State Register on September 17, 2019, authorized under the authority of §30-32-7 of this code, modified by the Board of Speech-Language Pathology and Audiology to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on November 5, 2019, relating to the Board of Speech-Language Pathology and Audiology (disciplinary and complaint procedures for speech-language pathology and audiology, 29 CSR 04), is authorized.

WV Legislature

§64-9-32. State Auditor.

The legislative rule filed in the State Register on July 8, 2019, authorized under the authority of §6-9-2a of this code, relating to the State Auditor (local government purchasing card program, 155 CSR 06), is authorized.

WV Legislature

§64-9-33. State Conservation Committee.

The legislative rule filed in the State Register on July 10, 2019, authorized under the authority of §19-21A-4(g)(11) of this code, relating to the State Conservation Committee (State Conservation Committee Grant Program, 63 CSR 03), is authorized.

WV Legislature

§64-9-34. Board of Veterinary Medicine.

(a) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 2, 2020, relating to the Board of Veterinary Medicine (organization and operation and licensing of veterinarians, 26 CSR 01), is authorized.

(b) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 2, 2020, relating to the Board of Veterinary Medicine (registration of veterinary technicians, 26 CSR 03), is authorized.

(c) The legislative rule filed in the State Register on September 9, 2019, authorized under the authority of §30-10-6 of this code, modified by the Board of Veterinary Medicine to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 2, 2020, relating to the Board of Veterinary Medicine (schedule of fees, 26 CSR 06), is authorized with the amendments set forth below:

On page 2, Section 3.6, by striking out “$100.00” and inserting in lieu thereof “$10.00”;

On page 2, Section 3.7, by striking out “$80.00” and inserting in lieu thereof “$5.00”;

On page 2, Section 3.8, by striking out “$25.00” and inserting in lieu thereof “$2.00”;

And,

On page 2, Section 3.9, by striking out “$80.00” and inserting in lieu thereof “$6.00”.

WV Legislature

§64-10-1. Department of Commerce.

(a) The legislative rule filed in the State Register on October 8, 2024, authorized under the authority of §5B-1-9 of this code, relating to the Division of Economic Development (Tourism Development Districts, 145 CSR 16), is authorized.

(b) The legislative rule filed in the State Register on January 12, 2026, authorized under the authority of §5B-2-21 of this code, modified by the Department of Commerce to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on January 29, 2026, relating to the Department of Commerce (certification of a microgrid district or certification as a high impact data center, 145 CSR 20), is authorized with the following amendment:

On page 1, subsection 2.4., after the word “use” by inserting the words “or access of water”.

WV Legislature

§64-10-2. Division of Forestry.

The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of 11-1C-11 of this code, modified by the Division of Forestry to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 10, 2025, relating to the Division of Forestry (rules for the certification of managed timberland, 22 CSR 06), is authorized.

WV Legislature

§64-10-3. Division of Labor.

The legislative rule filed in the State Register on July 24, 2025, authorized under the authority of §21-6-11 of this code, modified by the Division of Labor to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on September 10, 2025, relating to the Division of Labor (child labor, 42 CSR 09), is authorized.

WV Legislature

§64-10-4. Office of Miners' Health, Safety, and Training.

The legislative rule filed in the State Register on September 24, 2024, authorized under the authority of §22A-1-6 of this code, relating to the Office of Miners' Health, Safety, and Training (submission and approval of a comprehensive Mine Safety Program for coal mining operations in the State of West Virginia, 56 CSR 08), is authorized.

WV Legislature

§64-10-5. Division of Natural Resources.

(a) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (small arms hunting, 58 CSR 14), is authorized.

(b) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §20-2D-3 of this code, modified by the Division of Natural Resources to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on December 11, 2025, relating to the Division of Natural Resources (wildlife rehabilitation, 58 CSR 21), is authorized.

(c) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §20-7-23 of this code, relating to the Division of Natural Resources (special boating, 58 CSR 26), is authorized with the following amendment:

On page 7, by striking out all of subdivision 3.1.103. and inserting in lieu thereof a new subdivision 3.1.103. to read as follows:

3.1.103. Stonecoal (Lewis and Upshur counties): Motorboat operators must observe no-wake zones marked by buoys or posted signs which are approved by the Director. Motorboats of greater than 10 horsepower may only operate in a manner where no wake is created.

(d) The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (defining terms used in hunting and trapping, 58 CSR 46), is authorized.

(e) The legislative rule filed in the State Register on July 25, 2025, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (prohibitions when hunting and trapping, 58 CSR 47), is authorized.

(f) The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (deer hunting, 58 CSR 50), is authorized.

(g) The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §20-1-7 of this code, relating to the Division of Natural Resources (special migratory game bird hunting, 58 CSR 56), is authorized.

WV Legislature

§64-10-6. Division of Rehabilitation Services.

The legislative rule filed in the State Register on March 31, 2025, authorized under the authority of §18-10L-6 of this code, relating to the Rehabilitation Services (Ron Yost Personal Assistance Services Act Board, 198 CSR 01), is authorized.

WV Legislature

§64-11-1. Division of environmental protection, office of oil and gas.

(a) The legislative rule filed in the state register on July 1, 1993, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (abandoned wells, 38 CSR 22, renumbered as 35 CSR 6), is authorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);"

(b) The legislative rule filed in the state register on June 1, 1996, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (coal bed methane wells, 38 CSR 23, renumbered as 35 CSR 3), is authorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);"

(c) The legislative rule filed July 1, 1993, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (designation of future use and inactive status for oil and gas wells, 38 CSR 21, renumbered as 35 CSR 5), is authorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);"

(d) The legislative rule filed in the state register on July 1, 1993, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (oil and gas wells and other wells, 38 CSR 18, renumbered as 35 CSR 4), is authorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);"

(e) The legislative rule filed in the state register on June 12, 1987, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (oil and gas operations - solid waste, 38 CSR 12, renumbered as

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35 CSR 2), is authorized with the following amendment:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);"

(f) The legislative rule filed in the state register on June 1, 1991, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (miscellaneous Water Pollution Control, 38 CSR 11, renumbered as 35 CSR 1), is authorized with the following amendment:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);"

(g) The legislative rule filed in the state register on July 31, 1997, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (dam control, 38 CSR 14), is repealed.

(h) The legislative rule filed in the state register on July 31, 1997, authorized under the authority of section two, article six, chapter twenty-two of this code, relating to the Division of Environmental Protection (certification of gas wells, 38 CSR 16), is repealed.

WV Legislature

§64-11-2. Division of environmental protection, office of mining and reclamation and office of abandoned mine lands and reclamation.

(a) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (regulations for mining and reclamation of minerals other than coal, 38 CSR 2B), effective January 1, 1983, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word >regulations' and inserting in lieu thereof the word >rule';

Beginning on page 1, in the first sentence of section 2, and continuing throughout the text of the rule, by striking out the words >these regulations' and inserting in lieu thereof the words >this rule';

Beginning on page 2, subsection 2.16, and continuing throughout the text of the rule, by striking out the words >Department of Natural Resources' and inserting in lieu thereof >Division of Environmental Protection', and by striking out the words >Division of Reclamation' and inserting in lieu thereof, >Office of Mining and Reclamation';

Beginning on page 6, subdivision 5.3.a, and continuing throughout the text of the rule, by striking out the words >Article six-D (6d), Chapter twenty (20), Code of West Virginia', and inserting in lieu thereof the words >W.Va. Code Chapter 22, Article 4';

Beginning on page 8, subsection 6A.2., and continuing throughout the text of the rule, by striking out the words >Division of Water Resources' and inserting in lieu thereof the words >Office of Water Resources';

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by striking out the words >MINING AND RECLAMATION' and inserting in lieu thereof the words >OFFICE OF MINING AND RECLAMATION' on the fifth line;

On page 1, subsection 1.2, by striking out the words >W.Va. Code §20-1-7 and §20-6D' and inserting in lieu thereof the words >W.Va. Code §22-1-3 and §22-4-1';

On page 1, in the first sentence of section 2, by striking out the words >Article Six (6), Chapter twenty (20), Code of West Virginia' and inserting in lieu thereof the words >W.Va. Code Chapter 22, Article 4';

On page 3, subsection 2.45, by striking out the words >Water Resources' and inserting in lieu thereof the words >Environmental Protection';

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On page 5, subsection 4.1, by striking out the words >Section eleven A (11a), Article six d (6d), Chapter twenty (20) of the Code of West Virginia' and inserting in lieu thereof >W.Va. Code §22-4-11';

On page 6, subdivision 5.5.a., by striking out the words >Reclamation Division' and inserting in lieu thereof the words >Office of Mining and Reclamation';

On page 9, subsection 6A.3, after the words >State Department of Health', by inserting the words >and Human Resources';

On page 9, subsection 6B.2, by striking the words >section six D (6d) or six E (6e)' and inserting in lieu thereof >section 6D or 6E';

On page 15, subparagraph 7B.a.2.B, by deleting >section >7B.1 (a), (2)' and inserting in lieu thereof >paragraph 7B.1.a.2';

On page 17, subsection 8.6, in the first sentence, by striking out the words >Article six (D) (6d), Chapter twenty (20), Section nine (9), Code of West Virginia', and inserting in lieu thereof, >W.Va. Code §22-4-9';

And,

On page 17, subdivision 9.2.c, by striking out the words >Section sixteen (16), Article six D (6d), Chapter twenty (20), Code of West Virginia', and inserting in lieu thereof >W.Va. Code §22-4-16'."

(b) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (standards for certification of blasters - surface coal mines, 38 CSR 2C), effective May 1, 1995, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by inserting the words >OFFICE OF MINING AND RECLAMATION' on the fifth line;

And,

On page 3, section 4, in the second sentence, by striking out the first appearance of the words >subparagraph a-k, paragraph 1,' and inserting in lieu thereof the words >paragraphs 5.1.a.1 through 5.1.a.11 of', and by striking out the words >subparagraph a-k, paragraph 1,' and inserting in lieu thereof the words >paragraphs 5.2.a.1 through 5.2.a.11 of'."

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(c) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (abandoned mine lands reclamation rule, 38 CSR 2D), effective June 26, 1995, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of rule, by striking out the title reference >38' and inserting in lieu thereof the title reference >59';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series reference >2D' and inserting in lieu thereof the series reference >1';

Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by inserting the words >OFFICE OF ABANDONED MINE LANDS AND RECLAMATION' on the fifth line;

On page 3, subparagraph 3.3.b.4.E, by striking out the words >paragraph (b), (2) of this section' and inserting in lieu thereof the words >paragraph 3.3.b.2 of this section';

On page 3, paragraph 4.3.b.1, by striking out the words >paragraph a of this section' and inserting in lieu thereof the words >subdivision 4.3.a of this section';

On page 6, subparagraph 4.5.a.7.E, by striking out the words >subsection (b) or (c)' and inserting in lieu thereof the words >subparagraph 4.5.a.7.B or 4.5.a.7.C';

On page 7, in the first sentence of subdivision 4.5.b., by striking out the words >subsection (a) of this section' and inserting in lieu thereof the words >subdivision 4.5.a of this subsection';

On page 7, in the second sentence of subdivision 4.5.b, by striking out the words >subsection (a) of this section' and inserting in lieu thereof the words >subdivision 4.5.a of this subsection';

On page 8, subdivision 5.3.e, by striking out the reference >2D-5' and inserting in lieu thereof the reference >5';

On page 12, paragraph 6.5.e.2, by striking out the words >paragraph (e) of this section' and inserting in lieu thereof the words >subdivision 6.5.e of this subsection';

On page 12, paragraph 6.5.e.4, by striking out the words >paragraph (e) of this section' and adding in lieu thereof the words >subdivision 6.5.e of this subsection';

On page 12, subsection 7.1, by adding the prefix >sub' before the word >section';

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On page 12, subdivision 7.2.b, by striking out the words >paragraph (a) of this section' and inserting in lieu thereof the words >subdivision 7.2.a of this subsection';

On page 13, subdivision 7.2.d, by striking out the words >7.3(a)(1),(2), or (3) of this section' and inserting in lieu thereof the words >paragraphs 7.3.a.1, 2, or 3 of this section';

And,

On page 14, subdivision 8.4.c, by striking out the words >section 8.4(b) of this rule' and inserting in lieu thereof the words >subdivision 8.4.b of this subsection'."

(d) The legislative rule relating to the Division of Environmental Protection, office of mining and reclamation (groundwater protection regulations coal mining operations, 38 CSR 2F), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by striking out the words >MINING AND RECLAMATION' and inserting in lieu thereof the words >OFFICE OF MINING AND RECLAMATION' on the fifth line;

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word >regulations' and inserting in lieu thereof the word >rule';

Beginning on page 1, subsection 1.1., and continuing throughout the text of the rule, by striking out the words >Chapter 22A, Article 3' and inserting in lieu thereof the words >Chapter 22, Article 3', and by striking out the words >Chapter 20, Article 5A' and inserting in lieu thereof the words >Chapter 22, Article 11';

On page 1, subsection 1.1., by striking out the words >Chapter 20-5M-1 et seq. of the West Virginia Code' and inserting in lieu thereof the words >W.Va. Code §22-12-1 et seq.';

On page 1, subsection 1.2., by striking out the code reference >20-5M-5' and inserting in lieu thereof the code reference >§22-12-5';

On page 1, subsection 2.1., by striking out the code reference >20-5M-1' and inserting in lieu thereof the code reference >§22-12-1';

On page 1, subsection 2.2, by striking out the words >subsection (w), Section (3), Article 3, Chapter 22A (the West Virginia Surface Coal Mining and Reclamation Act) of the Code of West Virginia, 1931' and inserting in lieu thereof the words >W.Va. Code §22-3-3(u)';

On page 2, subsection 2.12., by striking out the code reference >20-5M-5(h)' and inserting in

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lieu thereof >22-12-5(h)';

On page 2, subsection 3.2., by striking out the code reference >20-5A-1' and inserting in lieu thereof the code reference >22-11-1', and by striking out the code reference >22A-3-1' and inserting in lieu thereof the code reference >22-3-1';

And,

On page 2, subsection 3.2, by striking out the words >Water Resources Board' and inserting in lieu thereof the words >Environmental Quality Board'."

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§64-11-3. Division of environmental protection, office of air quality.

(a) The legislative rule relating to the office of air quality (to prevent and control air pollution from coal refuse disposal areas, 45 CSR 1), effective January 1, 1965, is reauthorized with the following amendments:

"Beginning on page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately before the words 'AIR QUALITY';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5' and inserting in lieu thereof the code reference '§22-5-1 et seq.';

On page 1, subsection 2.1, by striking out the words '-- The term' and inserting in lieu thereof the word 'or';

On page 1, subsection 2.1, and continuing throughout the text of the rule, by striking out the code reference 'section two of chapter sixteen, article twenty of the Code of West Virginia, 1931' and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

On page 1, subsection 2.2, by striking through the period immediately following the words 'Coal Refuse';

On page 1, subsection 2.3, by striking through the period immediately following the words 'Coal Refuse Pile';

On page 1, subsection 2.3, by striking through the period immediately following the words 'Coal Refuse Disposal Area';

Beginning on page 1, subsection 2.2, and continuing throughout the text of the rule, by striking out the words '-- Any', and inserting in lieu thereof the words 'means any';

On page 1, subsection 2.5, by striking out the words '-- The' and inserting in lieu thereof the words 'means the';

Beginning on page 1, subsection 2.6, second paragraph, and continuing throughout the text of the rule, by striking out the word 'regulation' and inserting in lieu thereof the word 'rule';

And,

Beginning on page 2, subsection 3.1, and continuing throughout the text of the rule, by striking out the word 'Commission' and inserting in lieu thereof the word 'Director'."

(b) The legislative rule relating to the office of air quality (to prevent and control particulate air pollution from combustion of fuel in indirect heat exchangers, 45 CSR 2), effective May 1, 1995, is reauthorized with the following amendments:

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"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, subsection 2.6, by striking out the code reference 'sections six or eight, article one, chapter twenty-two of the West Virginia Code', and inserting in lieu thereof the code reference 'W.Va. Code §22-1-6 or §22-1-8';

On page 2, subdivision 2.12.a, by striking out the apostrophes enclosing the words 'design heat input (dhi)', and inserting in lieu thereof quotation marks;

On page 2, subdivision 2.12.b, by striking out the apostrophes enclosing the words 'total design heat input (tdhi)', and inserting in lieu thereof quotation marks;

On page 2, subdivision 2.12.c, by striking out the apostrophes enclosing the words 'normal maximum operating load (nmol)', and inserting in lieu thereof quotation marks;

On page 2, subsection 2.16, by striking out the word 'the' immediately preceding the words '45CSR2';

On page 4, subdivision 3.4.g, by striking out the word 'regulations', and inserting in lieu thereof the word 'rules';

On page 5, subsection 7.1, by striking out the words 'Code of West Virginia', and inserting in lieu thereof the words 'West Virginia Code';

On page 7, subsection 12.1, by striking through the word 'regulation' and inserting in lieu thereof the word 'rule'."

And,

On page 7, subsection 12.1, by striking out the words 'rule or regulation', and inserting in lieu thereof the words 'or rule'."

(c) The legislative rule relating to the office of air quality (to prevent and control air pollution from the operation of hot mix asphalt plants, 45 CSR 3), effective October 27, 1979, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

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On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq.';

On page 1, subsection 2.1, by striking out the code reference 'section two of chapter sixteen, article twenty of the Code of West Virginia', and inserting in lieu thereof the words 'W.Va. Code §22-5-2';

On page 1, subsection 2.2, by striking out the words '"Commission" shall mean the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

Beginning on page 1, subsection 2.3 and continuing throughout the text of the rule, by striking out the words 'shall mean', and inserting in lieu thereof the word 'means';

On page 1, subsection 2.3, by striking out the words 'Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 2, subsection 2.11, by striking out the words 'shall be', and inserting in lieu thereof the word 'means';

Beginning on page 2, subsection 2.11 and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 2, subsection 2.14, by striking out the word 'is';

Beginning on page 2, subsection 2.14 and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 2, subsection 2.15, by striking out the code reference 'section two of chapter sixteen, article twenty of the Code of West Virginia, 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq';

On page 3, subsection 6.3, by striking out the code reference 'chapter sixteen, article twenty, section 11(b) of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-11';

On page 3, subsection 6.3, by striking out the reference 'Regulation 13', and inserting in lieu thereof the reference '45CSR13';

And,

On page 3, subsection 8.1, by striking out the code reference 'section five of chapter sixteen, article twenty, paragraph seventeen, of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-4'."

(d) The legislative rule relating to the office of air quality (to prevent and control the

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discharge of air pollutants into the open air which causes or contributes to an objectionable odor or odors, 45 CSR 4), effective October 1, 1967, is reauthorized with the following amendments:

"Beginning on page 2, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF ' immediately prior to the words AIR QUALITY';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.3, by striking out the words '"Commission" shall mean the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.1, and continuing throughout the text of the rule, by striking out the words 'shall mean' and inserting in lieu thereof the word 'means';

On page 1, subsection 2.6, by striking out the words 'Air Pollution Control Commission' and inserting in lieu thereof the word 'Director';

Beginning on page 1, subsection 2.7, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

Beginning on page 1, subsection 2.7, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

And,

On page 1, subsection 2.7, by striking out the code reference 'chapter sixteen, article twenty, section two of the Code of West Virginia, 1931,', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq'."

(e) The legislative rule relating to the office of air quality (to prevent and control air pollution from the operation of coal preparation plants and coal handling operations, 45 CSR 5), effective May 1, 1995, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

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On page 1, subsection 1.2, by striking out the code reference '§§22-1-3, 22-5-4', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.2, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]'; On page 2, subsection 2.20, by striking out the words 'Department of Commerce, Labor, and Environmental Resources', and by inserting in lieu thereof the words 'Division of Environmental Protection';

On page 4, subsection 6.3.c.5, by striking out the words 'Section 6.3.c.A', and inserting in lieu thereof the words 'paragraph 6.3.c.1';

On page 8, subsection 11.3, by striking out the word 'Commission', and inserting in lieu thereof the words 'Air Quality Board';

And,

On page 8, subdivision 12.1.a, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director'."

(f) The legislative rule relating to the office of air quality (to prevent and control air pollution from combustion of refuse, 45 CSR 6), effective May 1, 1995, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, subsection 2.1, by striking out the code reference 'section two, article twenty, chapter sixteen of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

Beginning on page 1, subsection 2.6, and throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

And,

On page 2, subsection 2.18, by striking out the code reference '§22-5-2', and inserting in lieu thereof the code reference '§22-5-1 et seq'."

(g) The legislative rule relating to the office of air quality (to prevent and control particulate air pollution from manufacturing process operations, 45 CSR 7), effective April 27, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the

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text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by striking out the words 'AIR POLLUTION CONTROL COMMISSION', and inserting in lieu thereof the words 'DIVISION OF ENVIRONMENTAL PROTECTION' on one line and 'OFFICE OF AIR QUALITY' on the next line;

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.1, by striking out the code reference '§16-20-2', and inserting in lieu thereof the code reference '§22-5-2';

On page 1, subsection 2.2, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.3, by striking out the words 'shall mean', and inserting in lieu thereof the word 'means';

Beginning on page 1, subsection 2.8, and continuing throughout the text of the rule, by striking out the word 'Chief', and inserting in lieu thereof the word 'Director';

On page 4, subsection 2.44, by striking out the words '"Quality" or "Chief" means the Chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1, et seq., as amended.', and inserting in lieu thereof the words '[RESERVED]';

On page 4, subsection 2.45, by striking out the words 'Department of Commerce, Labor, and Environmental Resources', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 5, paragraph 3.3.e.3, by striking out the references '3.3.e.A. or 3.3.e.B' and inserting in lieu thereof the references '3.3.e.1 or 3.3.e.2';

On page 6, paragraph 3.4.e.3, by striking out the references '3.4.e.A. and 3.4.e.B', and inserting in lieu thereof the references '3.4.e.1 and 3.4.e.2';

On page 11, section 7, by striking through the code reference '§16-20-1, et, seq.', and inserting in lieu thereof the code reference '§22-5-1, et seq.';

And,

On page 11, section 7, by striking through the words 'this agency', and inserting in lieu thereof the reference 'Title 45'."

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(h) The legislative rule relating to the office of air quality (ambient air quality standards for sulfur oxides and particulate matter, 45 CSR 8), effective April 25, 1990, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, subsection 2.3, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words '[RESERVED]';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 1, subsection 1.2, by striking out the code references '§§16-20-5 and 16-20-1 through 13', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.2, by striking out the code reference 'WV Code 16-20-2', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

Beginning on page 2, section 5, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

And,

On page 2, section 5, immediately following the word 'method', by striking out the word 'rule'."

(i) The legislative rule relating to the office of air quality (regulations pertaining to ambient air quality standards for carbon monoxide, nonmethane hydrocarbons, and ozone, 45 CSR 9), effective October 22, 1980, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, in the title of the rule, by striking out the word 'REGULATIONS', and by inserting in lieu thereof the word 'RULES';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq.';

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On page 1, subsection 3.3, by striking out the words '"Commission" shall mean the West Virginia Air Pollution Control Commission', and by inserting in lieu thereof the words '[RESERVED]';

Beginning on page 1, subsection 2.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

Beginning on page 1, subsection 3.1, and continuing throughout the text of the rule, by striking out the words 'shall mean', and inserting in lieu thereof the word 'means';

On page 1, subsection 3.2, by striking out the code reference 'section two of chapter sixteen, article twenty of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

On page 2, subsection 3.7, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

And,

Beginning on page 2, subsection 5.1, and continuing throughout the text of the rule, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the word 'Director'."

(j) The legislative rule relating to the office of air quality (to prevent and control air pollution from the emission of sulfur oxides, 45 CSR 10), effective April 27, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 2.3, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.", and inserting in lieu thereof the words '[RESERVED]';

Beginning on page 1, subdivision 1.1.b, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof 'Director';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.1, by striking out the code reference '§16-20-2', and inserting in lieu thereof the code reference '§22-5-2';

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On page 2, subsection 2.17, by striking out the words '"Chief of Air Quality" or "Chief" means the Chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1, et seq, as amended.', and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.18, by striking out the words 'that Division of the West Virginia Department of Commerce, Labor, and Environmental Resources', and inserting in lieu thereof the words 'the Division of Environmental Protection';

Beginning on page 4, subdivision 3.4.b, and continuing throughout the text of the rule, by striking out the word 'Chief', and inserting in lieu thereof the word 'Director';

On page 4, subdivision 3.8.a, by striking out the words 'paragraphs (b), (c), (d), (e), and (f) following', and inserting in lieu thereof the words 'subdivisions 3.8.b through 3.8.f';

And,

On page 6, subsection 5.1, by striking out the words '§16-20-1, et seq., as amended, and Series 13 of this agency', and inserting in lieu thereof the words '§22-5-1 et seq., as amended, and 45CSR13'."

(k) The legislative rule relating to the office of air quality (prevention of air pollution emergency episodes, 45 CSR 11), effective April 25, 1990, is reauthorized with the following amendments:

"On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 1.2, by striking out the code references '§§16-20-5 and 16-20-1-13', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.2, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.3, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

Beginning on page 1, subsection 2.6, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

Beginning on page 1, subsection 3.1, and continuing throughout the text of the rule, by striking out the words 'and/or Commission';

Beginning on page 2, subdivision 3.1.a, and continuing throughout the text of the rule, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the word 'Director';

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Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 3, subsection 3.2, striking out the reference >WV Code §45-11-6', and inserting in lieu thereof the words 'Section 6 of this rule';

On page 4, subsection 6.2, and continuing throughout the text of the rule, by striking out the reference 'W.Va. Code §45-11-5', and inserting in lieu thereof the words 'Section 5 of this rule';

On page 5, subsection 7.1, by striking out the code reference 'W.Va. Code §16-20-10', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-8';

On page 5, section 8, in the heading, by striking out the word 'Regulations', and inserting in lieu thereof the word 'Rules';

And,

On page 5, subsection 8.1, by striking out the words 'rule' immediately preceding the words 'or rule'."

(l) The legislative rule relating to the office of air quality (ambient air quality standard for nitrogen dioxide, 45 CSR 12), effective March 15, 1972, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 3.3, by striking out the words '"Commission shall mean the West Virginia Air Pollution Control Commission', and by inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 5.1, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the word 'Director';

Beginning on page 1, subsection 2.1, and continuing throughout the text of the rule, by striking out the word "Commission", and inserting in lieu thereof the word 'Director';

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Beginning on page 1, subsection 3.1, and continuing throughout the text of the rule, by striking out the words 'shall mean', and inserting in lieu thereof the word 'means';

On page 1, subsection 3.2, by striking out the code reference '§16-20-2', and inserting in lieu thereof the code reference '§22-5-2';

And,

On page 1, subsection 3.5, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule'."

(m) The legislative rule relating to the office of air quality (permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, temporary permits, general permits, and procedures for evaluation, 45 CSR 13), effective April 27, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately prior to the words 'AIR QUALITY';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 2, subsection 2.4, by striking out the words '"Chief of Air Quality" or "Chief" means the Chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1, et seq.', and by inserting in lieu thereof the words '[RESERVED]';

Beginning on page 1, subdivision 2.1.a, and continuing throughout the text of the rule, by striking out the word 'Chief', and inserting in lieu thereof the word 'Director';

On page 1, subsection 2.3, by striking out the code reference 'article twenty, chapter sixteen of the W.Va. Code', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

On page 2, subsection 2.7, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.10, by striking out the words 'that division of the Department of Commerce, Labor and Environmental Resources', and inserting in lieu thereof the words 'the Division of Environmental Protection';

On page 3, paragraph 2.17.b.2, by striking out the words 'subparagraph 2.13.b.A', and

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inserting in lieu thereof the words 'paragraph 2.17.b.1';

On page 3, subdivision 2.17.c, by striking out the words 'subparagraph 2.13.b.A', and inserting in lieu thereof the words 'paragraph 2.17.b.1';

On page 10, subsection 11.2, by striking out the words 'Commission rules', and inserting in lieu thereof the words 'rules of the Director';

Beginning on page 4, subdivision 2.21.d, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 5, subsection 2.28, by striking out the code reference 'chapter sixteen, article twenty, section two of the Code of West Virginia, 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq.';

And,

Beginning on page 6, subsection 4.4, and continuing throughout the text of the rule, by striking out the code reference '§16-20-1', and inserting in lieu thereof the code reference '§22-5-1'."

(n) The legislative rule relating to the office of air quality (permits for construction and major modification of major stationary sources of air pollution for the prevention of significant deterioration, 45 CSR 14), effective May 1, 1995, is reauthorized with the following amendment:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 3, subsection 2.11, by striking out the words '"Chief of the Office of Air Quality" or "Chief" means the principal administrative officer of the Office of Air Quality or other designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1 et seq.', and inserting in lieu thereof the words '[RESERVED]'."

(o) The legislative rule relating to the office of air quality (emission standards for hazardous air pollutants pursuant to 40 CFR part 61, 45 CSR 15), effective May 1, 1995, is reauthorized with the following amendment:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6)."

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(p) The legislative rule relating to the office of air quality (to prevent and control particulate air pollution from materials handling, preparation, storage and sources of fugitive particulate matter, 45 CSR 17), effective May 1, 1979, is reauthorized with the following amendments:

"On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 3.2, by striking out the words '"Commission" shall mean the West Virginia Air Pollution Control Commission.'; and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 3.3, by striking out the words 'Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 3, section 12, by striking out the words 'or regulation';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 1, subsection 1.2, by striking out the code reference 'W.Va. Code §16-20-5', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq';

On page 1, subsection 3.1, by striking out the code reference 'section two of chapter sixteen, article twenty of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

Beginning on page 1, subsection 3.4, and continuing throughout the text of the rule, by striking out the words 'shall mean', and inserting in lieu thereof the word 'means';

On page 2, subsection 3.11, by striking out the words 'shall include, but not be', and inserting in lieu thereof the words 'includes, but is not';

On page 2, subsection 3.12, by striking out the code reference 'section two of chapter sixteen, article twenty of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq';

And,

On page 3, subsection 9.1, by striking out the code reference 'chapter sixteen, article twenty, section five, subsection seventeen of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-4'."

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(q) The legislative rule relating to the office of air quality (to prevent and control particulate air pollution from direct meat-firing devices, 45 CSR 18), effective May 1, 1979, is reauthorized with the following amendments:

"On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.1, by striking out the code reference 'Section Two of Chapter Sixteen, Article Twenty of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

On page 1, subsection 2.3, by striking out the words '"Commission" shall mean the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

Beginning on page 1, subsection 2.2, and continuing throughout the text of the rule, by striking out the words 'shall mean', and inserting in lieu thereof the word 'means';

On page 1, subsection 2.4, by striking out the words 'Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 1, subsection 2.8, by striking out the words 'shall be', and inserting in lieu thereof the word 'means';

Beginning on page 1, subsection 2.8, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

Beginning on page 2, subsection 2.15, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 2, subsection 2.15, by striking out the code reference 'Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq';

On page 2, subsection 5.1, by striking out the code reference 'Section Five of Chapter Sixteen, Article Twenty, Paragraph Seventeen of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-4';

On page 2, section 6, by striking out the code reference 'Section Two of Chapter Sixteen, Article Twenty, Paragraph 11b of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-11';

And,

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On page 2, section 6, by striking out the word 'Regulation 13 of this agency', and inserting in lieu thereof the reference '45CSR13'."

(r) The legislative rule relating to the office of air quality (requirements for preconstruction review, determination of emission offsets for proposed new or modified stationary sources of air pollutants and emission trading for intrasource pollutants, 45 CSR 19), effective July 7, 1993, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 2, subsection 2.9, by striking out the words '"Chief of Air Quality" or "Chief" means the Chief of the Office of Air Quality or his or her designated representative appointed by the Director of the Division of Environmental Protection pursuant to the provisions of §22-1-1, et seq., of the West Virginia Code.', and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.11, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.2, by striking out the words 'Commission or Chief', and inserting in lieu thereof the word 'Director';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 1, subsection 1.1, by striking out the code reference 'Chapter 16, Article 20, of the Code of West Virginia, of 1931, as amended, (the Code)', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq., as amended';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq.';

On page 1, subsection 1.5, by striking out the words >1.5 Type. This regulation is a legislative rule as defined in West Virginia Code, Chapter 29A, Article 2';

Beginning on page 1, subdivision 2.1.a, and continuing throughout the text of the rule, by striking out the word 'Chief', and inserting in lieu thereof the word 'Director';

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On page 2, subsection 2.3, by striking out the words 'the West Virginia Administrative Regulations of the Air Pollution Control Commission', and inserting in lieu thereof the words 'rules of the Director';

On page 2, subsection 2.3, by striking out the words 'the Code of West Virginia, of 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq.';

On page 2, subsection 2.6, by striking out the code reference 'Section Two of the West Virginia Code 16-20, as amended', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

On page 2, subsection 2.10, by striking out the code reference 'Chapter 16, Article 20, of the Code of West Virginia of 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq.';

On page 2, subsection 2.10, by striking out the code reference 'Chapter 20, Article 5E of the Code of West Virginia of 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-18-1 et seq';

On page 3, subsection 2.15, by striking out the words 'that Division of the Department of Commerce, Labor and Environmental Resources', and inserting in lieu thereof the words 'the Division of Environmental Protection';

On page 8, subsection 2.47, by striking out the code reference 'Chapter 16, Article 20, Section 2, of the Code of West Virginia, 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq';

On page 9, paragraph 4.1.a.2, by striking out the code reference 'Chapter 16, Article 20, of the Code of West Virginia, 1931', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq.';

On page 9, paragraph 4.1.a.4, by striking out the words 'Subparagraph 4.1.a.C', and inserting in lieu thereof the words 'paragraph 4.1.a.3';

On page 10, subdivision 6.1.a, by striking out the words 'Subparagraphs 4.1.a.C and D', and inserting in lieu thereof the words 'paragraphs 4.1.a.3 and 4.1.a.4';

On page 10, paragraph 6.1.b.1, by striking out the words 'Subparagraphs 4.1.a.C and D', and inserting in lieu thereof the words 'paragraphs 4.1.a.3 and 4.1.a.4';

On page 12, paragraph 8.2.d.1, by striking out the words 'Subparagraph 4.1.a.D', and inserting in lieu thereof the words 'paragraph 4.1.a.4';

On page 12, paragraph 8.2.d.2, by striking out the words 'Subparagraphs 4.1.a.C and 8.2.a.A', and inserting in lieu thereof the words 'paragraphs 4.1.a.3 and 8.2.a.1';

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And,

Beginning on page 13, subsection 9.3, and continuing throughout the text of the rule, by striking out the code reference 'Chapter 16, Article 20, Section 5 (17) of the Code', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-4'."

(s) The legislative rule relating to the office of air quality (good engineering practice as applicable to stack heights, 45 CSR 20), effective July 14, 1989, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 3, subdivision 2.6.a, by striking out the words 'APCC Regulation XIV', and inserting in lieu thereof the words '45CSR14';

On page 3, subdivision 2.6.a, by striking out the words 'Regulation XVI', and inserting in lieu thereof the words '45CSR16';

On page 4, subsection 2.8, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 4, subsection 2.12, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

Beginning on page 3, paragraph 2.6.b.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 3, subdivision 2.7.a, by striking out the words 'APCC Regulation XV', and inserting in lieu thereof the words '45CSR15';

On page 4, subdivision 2.7.a, by striking out the words 'APCC Regulation XVI', and inserting in lieu thereof the words '45CSR16';

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On page 4, subsection 2.11, by striking out the code reference '§16-20-2, 1931', and inserting in lieu thereof the code reference '§22-5-2';

On page 4, subsection 2.14, by striking out the code reference '§16-20-2, 1931', and inserting in lieu thereof the code reference '§22-5-1, et seq';

On page 4, subdivision 3.2.b, by striking out the words 'APCC Regulation XIV', and inserting in lieu thereof the words '45CSR14';

On page 4, subsection 4.1, by striking out the words 'Sub-section 2.4.c.', and inserting in lieu thereof the words 'subdivision 2.4.c.';

On page 4, subsection 4.1, by striking out the words 'Section 2.4.b.A and B', and inserting in lieu thereof the words 'paragraphs 2.4.b.1 and 2.4.b.2';

On page 5, section 5, in the heading of the section, by striking out the word 'Regulations', and inserting in lieu thereof the word 'Rules';

And,

On page 5, subsection 5.1, by striking out the word 'rule' immediately following the words 'provision, term, condition, method,'."

(t) The legislative rule relating to the office of air quality (air quality management fee program, 45 CSR 22), effective May 6, 1991, is reauthorized with the following amendments:

"Beginning on page 2, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 1, subsection 1.1, by striking out the words 'Air Pollution Control Commission's', and inserting in lieu thereof the word 'Director's';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1, et seq';

On page 1, subsection 2.1, by striking out the code reference '§16-20', and inserting in lieu thereof the code reference '§22-5-2';

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On page 1, subsection 2.3, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.5, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

Beginning on page 2, subdivision 3.3.a, and continuing throughout the text of the rule, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words 'Air Pollution Control';

On page 3, subdivision 4.2.a, by striking out the words 'or Commission';

On page 3, subdivision 4.2.b, by striking out the words 'or Commission';

Beginning on page 1, subsection 2.4, and throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 2, subsection 3.1, by striking out the words 'Permits for Construction, Modification or Relocation of Stationary Sources of Air Pollution and Procedures for Registration and Evaluation', and insert in lieu thereof the words 'Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation';

And,

On page 6, subsection 4.6, by striking out the code reference '§16-20-8', and inserting in lieu thereof the code reference '§22-5-6'."

(u) The legislative rule relating to the office of air quality (to prevent and control the emissions of toxic air pollutants, 45 CSR 27), effective June 30, 1990, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately prior to the words 'AIR QUALITY';

On page 1, subsection 1.1, by striking out the word 'Regulation 27', and inserting in lieu thereof the reference '45CSR27';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq.';

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On page 1, subsection 1.5, by striking out the words '1.5. Type. This regulation is a legislative rule as defined in West Virginia code, Chapter 29A, Article 2.';

On page 1, subsection 2.1, by striking out the code reference 'Section 2, of Chapter 16, Article 20 of the Code of West Virginia, as amended', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

Beginning on page 1, subsection 2.3, and continuing throughout the text of the rule, by striking out the word 'regulation', and inserting in lieu thereof the word 'rule';

On page 2, subsection 2.5, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.'; and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.6, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 2, subsection 2.6, by inserting the word 'or' between the words 'Plant' and 'facility';

Beginning on page 4, subsection 8.1, and continuing throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

On page 4, subsection 9.1, by striking out the code reference 'WV Code §16-20-11b, as amended' and inserting in lieu thereof the code reference 'W.Va. Code §22-5-11';

And,

On page 5, subsection 13.1, by striking out the words 'rule or' immediately following the words 'provision, term, condition, method,'."

(v) The legislative rule relating to the office of air quality (rule requiring the submission of emission statements for volatile organic compound emissions and oxides of nitrogen emissions, 45 CSR 29), effective July 7, 1993, is reauthorized with the following amendments:

"Beginning on page 2, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately prior to the words 'AIR QUALITY';

On page 1, subsection 1.1, by striking out the words 'chief of Air Quality's', and inserting in lieu thereof the word 'Director's';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu

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thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.7, by striking out the words '"Chief of Air Quality" or "Chief" means the chief of the Office of Air Quality or his or her designated representative appointed by the director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1, et seq.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.8, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.12, by striking out the words 'Department of Commerce, Labor and Environmental Resources', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 4, section 6, by striking out the words 'commission, director, or chief', and inserting in lieu thereof the word 'Director';

Beginning on page 2, subsection 2.25, and continuing throughout the text of the rule, by striking out the word 'commission', and inserting in lieu thereof the word 'Director';

Beginning on page 3, subsection 2.28, and continuing throughout the text of the rule, by striking out the word 'chief', and inserting in lieu thereof the word 'Director';

On page 3, subsection 3.2, by striking out the words 'of Air Quality';

And,

On page 4, subsection 5.4, by striking out the code reference '§16-20-12', and inserting in lieu thereof the code reference '§22-5-10'."

(w) The legislative rule relating to the office of air quality (requirements for operating permits, 45 CSR 30), effective April 27, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

On page 1, subsection 2.5, by striking out the code reference 'article twenty, chapter

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sixteen, of the W.Va. Code , as amended', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-2';

On page 2, subsection 2.8, by striking out the words '"Chief of Air Quality" or "Chief" means the chief of the Office of Air Quality or his or her designated representative appointed by the director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1, et seq.', and inserting in lieu thereof the words '[RESERVED]';

On page 2, subsection 2.10, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 24, subdivision 6.4.a.6, by striking out the words 'Commission rules', and inserting in lieu thereof the words 'rules of the Director';

Beginning on page 2, subdivision 2.6.j, and throughout the text of the rule, by striking out the word 'Commission', and inserting in lieu thereof the word 'Director';

Beginning on page 2, subsection 2.6.l, and continuing throughout the text of the rule, by striking through the word 'Chief', and inserting in lieu thereof the word 'Director';

On page 2, subsection 2.13, by striking out the words 'Department of Commerce, Labor, and Environmental Resources', and inserting in lieu thereof the words 'Division of Environmental Protection';

On page 7, subdivision 2.34.a, by striking out the reference '2.25.c.C', and inserting in lieu thereof the reference '2.26.c.3';

On page 8, subsection 2.44, by striking out the word 'trichloromethane', and inserting in lieu thereof the word 'trichloroethane';

On page 8, subdivision 2.44.d by striking out the code reference '16-20-1', and inserting in lieu thereof the code reference '22-5-1';

On page 12, subdivision 4.1.c, by striking out the code reference '16-20-12', and inserting in lieu thereof the code reference '22-5-10';

On page 12, paragraph 4.3.c.2, by striking out the words >subparagraph 4.3.c.A. and inserting in lieu thereof the words >paragraph 4.3.c.1', and by striking out the code reference '16-20-1', and inserting in lieu thereof the code reference '22-5-1';

On page 13, paragraph 4.3.c.8, by striking out the words 'subparagraphs 4.3.c.A through G', and inserting in lieu thereof the reference 'paragraphs 4.3.c.1 through 4.3.c.7';

On page 13, subdivision 4.3.e, by striking out the code reference '16-20-1', and inserting in lieu thereof the code reference '22-5-1';

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On page 13, subdivision 4.3.e, by striking out the code reference '20-5E-1', and inserting the code reference '22-18-1';

On page 13, subdivision 4.3.g, by striking out the word >paragraph' in two places and inserting in lieu thereof the word >subdivision', and by striking out the reference '5.1.a.C', and inserting in lieu thereof the reference 'paragraph 5.1.a.3';

On page 15, subparagraph 5.1.c.1.B, by striking out the reference '5.1.c.C', and inserting in lieu thereof the reference '5.1.c.3';

On page 15, subparagraph 5.1.c.1.B, by striking out the reference '5.1.c.A', and inserting in lieu thereof the reference '5.1.c.1';

On page 16, subparagraph 5.1.c.3.E, by striking out the code reference '16-20-12', and inserting in lieu thereof the code reference '22-5-10';

On page 21, paragraph 5.7.c.4, by striking out the words 'subpart 5.1.c.C.(c)(B)', and inserting in lieu thereof the words 'part 5.1.c.3.C.2';

On page 21, paragraph 5.7.c.4, by striking out the words 'part 5.1.c.D.(b)', and inserting in lieu thereof the reference 'subparagraph 5.1.c.3.B';

On page 25, subparagraph 6.5.a.1.B, by striking out the words 'part 6.5.a.A.(a)', and inserting in lieu thereof the words 'subparagraph 6.5.a.1.A';

On page 26, subparagraph 6.5.a.4.D, by striking out the reference '6.5.a.D', and inserting in lieu thereof the reference '6.5.a.4';

On page 26, paragraph 6.5.a.5, by striking out the reference '6.5.a.D(a)', and inserting in lieu thereof the reference '6.5.a.4.A';

On page 26, paragraph 6.5.a.5, by striking out the reference '6.5.a.D.(c)', and inserting in lieu thereof the reference '6.5.a.4.C';

On page 28, paragraph 6.8.a.3, by striking out the words 'subpart of 6.8.a.C.(a)', and inserting in lieu thereof the words 'part 6.8.a.3.A.3';

On page 28, paragraph 6.8.a.3, by striking out the reference 'part 6.8.a.C.(b)', and inserting in lieu thereof the reference 'subparagraph 6.8.a.3.B';

On page 29, part 6.8.a.4.A.5, by striking out the word >paragraph' and inserting in lieu thereof the word >subdivisions';

On page 29, subparagraph 6.8.a.4.B, by striking out the reference 'part 6.8.a.D.(a)', and inserting in lieu thereof the reference 'subparagraph 6.8.a.4.A';

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On page 30, part 6.8.a.4.B.4, by striking out the words 'part 6.8.a.D.(a)', and inserting in lieu thereof the reference 'subparagraph 6.8.a.4.A';

On page 30, part 6.8.a.4.B.4, by striking out the words 'subparagraph 6.8.a.C', and inserting in lieu thereof the reference 'paragraph 6.8.a.3';

On page 30, subdivision 6.8.b, by striking out the words 'subparagraph 6.8.c.A', and inserting in lieu thereof the words 'paragraph 6.8.c.1';

On page 30, paragraph 6.8.c.2, by striking out the reference 'subparagraph 6.8.a.B', and inserting in lieu thereof the words 'paragraph 6.8.a.2';

On page 31, subdivision 6.9.a, by striking out the words 'subparagraph 6.8.a.C', and inserting in lieu thereof the words 'paragraph 6.8.a.3';

Beginning on page 34, subsection 8.6, and continuing throughout the text of the rule, by striking out the code reference 'article twenty, chapter sixteen of the Code of West Virginia', and inserting in lieu thereof the code reference 'W.Va. Code §22-5-1 et seq.';

On page 35, subsection 10.2, by striking out the words 'order of the chief or, any';

On page 35, subsection 10.2, by striking out the code reference '16-20-8', and inserting in lieu thereof the code reference '22-5-6';

And,

On page 35, subsection 12.4, by striking out the words 'this subparagraph 4.1.a.E.' and inserting in lieu thereof the words >paragraph 4.1.a.5'."

(x) The legislative rule relating to the office of air quality (serious and minor violations of applicable rules, 45 CSR 32), effective July 7, 1993, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words 'OFFICE OF' immediately preceding the words 'AIR QUALITY';

On page 1, subsection 1.1, by striking out the words 'West Virginia Air Pollution Control Commission', and inserting in lieu thereof the words 'Director';

On page 1, subsection 1.2, by striking out the code reference '§16-20-5', and inserting in lieu thereof the code reference '§22-5-1 et seq';

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On page 1, subsection 2.1, by striking out the code reference '§16-20-1, et seq.', and inserting in lieu thereof the code reference '§22-5-1, et seq';

On page 1, subsection 2.2, by striking out the words 'chief or the commission', and inserting in lieu thereof the word 'Director';

On page 1, subsection 2.3, by striking out the words '"Chief of Air Quality" or "Chief" means the chief of the office of Air Quality or his or her designated representative appointed by the director of the Division of Environmental Protection pursuant to the provisions of W.Va. Code §22-1-1, et seq.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.4, by striking out the words '"Commission" means the West Virginia Air Pollution Control Commission.', and inserting in lieu thereof the words '[RESERVED]';

On page 1, subsection 2.6, by striking out the words 'that Division of the Department of Commerce, Labor, and Environmental Resources as', and inserting in lieu thereof the words 'the Division of Environmental Protection';

On page 1, subsection 2.7, by striking the words 'or regulation';

Beginning on page 2, subdivision 3.1.a, and continuing throughout the text of the rule, by striking out the word 'chief', and inserting in lieu thereof the word 'Director';

And,

Beginning on page 2, subdivision 3.1.b, and continuing throughout the text of the rule, by striking out the word 'commission', and inserting in lieu thereof the word 'Director'."

(y) The legislative rule relating to the office of air quality (provisions for determination of compliance with air quality management rules, 45 CSR 38), effective May 1, 1995, is reauthorized with the following amendment:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6)."

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§64-11-4. Division of environmental protection, office of water resources.

(a) The legislative rule relating to the Division of Environmental Protection, office of water resources (underground injection control fee schedule, 47 CSR 9), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, by striking out the word >DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES', and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

Beginning on page 1, and continuing throughout the text of the rule, by striking out the code reference >§20-5A-5', and inserting in lieu thereof >§22-11-8';

Beginning on page 1, and continuing throughout the text of the rule, by striking out the code reference >§22B-1-6', and inserting in lieu thereof >§22-6-6';

On page 1, subsection 1.2, by striking out the code reference >§20-5A-6a', and inserting in lieu thereof the code reference >§22-11-10';

On page 1, subsection 2.2, by striking out the words >Department of Commerce, Labor and Environmental Resource' and inserting in lieu thereof the words >Bureau of Environment';

Beginning on page 1, subsection 2.3, and continuing throughout the text of the rule, by striking out the words >46 C.S.R.9' and inserting in lieu thereof the words >47CSR13';

On page 1, subsections 2.3, 2.4, 2.5, 2.6 and 2.7, by striking out the word >paragraphs' and inserting in lieu thereof the word >subdivisions';

On page 3, subdivision 3.4.a., by striking out the words >46 C.S.R. 2' and inserting in lieu thereof the words >46CSR10';

Beginning on page 3, subsection 4.2 and continuing throughout the text of the rule, by striking out the code reference >§22B-1-1', and inserting in lieu thereof the code reference >§22-6-1';

On page 5, subdivisions 8.5.a. and 8.5.e., by striking out the word >Section' and inserting in lieu thereof the word >subsection';

On page 5, subdivision 8.5.a., by striking out the reference >4.5.3. and inserting in lieu

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thereof the words >subdivision 4.5.c.';

On page 5, subdivision 8.5.b., by striking out the words >Subsection 8.5.1' and insert in lieu thereof the words >subdivision 8.5.a';

On page 5, subdivision 8.5.c., by striking out the words >Subsection 8.5.1' and insert in lieu thereof the words >subdivision 8.5.a.';

And,

On page 5, subdivision 8.5.e., by striking out the reference >7.5.3' and inserting in lieu thereof the words >subdivision 7.5.c.';"

(b) The legislative rule relating to the Division of Environmental Protection, office of water resources (national pollutant discharge elimination system (NPDES) program, 47 CSR 10), effective August 25, 1993, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES' on the fifth line;

On page 1, in the title of the rule, by striking out the word >ELIMIATION' and inserting in lieu thereof the word >ELIMINATION';

Beginning on page 1, subsection 1.2, and continuing throughout the rule where applicable, by striking the code reference >§20-5A' and inserting in lieu thereof >§22-11';

Beginning on page 1, subsection 1.5, and continuing throughout the text of the rule, by striking out the word >regulations' and inserting in lieu thereof the word >rule';

Beginning on page 1, first sentence in section 2, and continuing throughout the text of rule, by striking out the words >Chapter 20, Article 5A, Section 2 of the Code of West Virginia' and inserting in lieu thereof the words >W.Va. Code §22-11-3';

On page 2, subdivision 2.12.b, by striking out the word >worker' and inserting in lieu thereof the word >work';

Beginning on page 5, subdivision 2.51, and continuing throughout the text of the rule, by striking out the words >West Virginia Code, Chapter 20, Article 5A, Section 1', and inserting in lieu thereof the words >W.Va. Code §22-11-1';

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On page 6, paragraph 3.2.D, by striking out the word >operatings' and inserting in lieu thereof the word >operations';

Beginning on page 7, subdivision 3.5.b, and continuing throughout the text of the rule, by striking out the words >these rules' and inserting in lieu thereof the words >this rule';

On page 7, subdivision 3.5.b, by striking out the word >filing' in the third sentence, and inserting in lieu thereof the words >permit application';

On page 7, subdivision 3.5.b, by striking out the words >West Virginia legislative rules, State Water Resources Board Series 3, Section 7,' and inserting in lieu thereof >47CSR26';

On page 8, subdivision 4.1.a, by striking out the words >Series 3, Section 7' and inserting in lieu thereof the words >47CSR26';

Beginning on page 9, subsection 4.3, by striking out the code reference >Chapter 20-5A-5(b)(6) of the state Act' and inserting in lieu thereof >W.Va. Code §22-11-8(b)(6)';

On page 9, paragraph 4.4.b.2, by striking out the word >operatings' in the first sentence and inserting in lieu thereof the word >operations';

On page 11, part 4.4.b.7.B.1., by striking out the words >chromotography/mass' and inserting in lieu thereof the words >chromatography/mass';

On page 11, part 4.4.b.7.C.2., by striking out the word >quantitataives' and inserting in lieu thereof the word >quantitative';

On page 13, subsection 4.7, by striking out the words >Series III, Section 8' and inserting in lieu thereof the words >47CSR26';

On page 16, subsection 5.5, by striking out the words >State Health Department Regulations' and inserting in lieu thereof the words >State Division of Health Rules';

On page 17, subdivision 5.10.a., by striking out the word >conduced' and inserting in lieu thereof the word >conducted';

Beginning on page 18, paragraph 5.12.e.1, and continuing throughout the text of the rule, by striking out the words >Division of Water Resources' and inserting in lieu thereof the words >Office of Water Resources';

On page 18, paragraph 5.12.e.4, by striking out the words >Series 3, Section 1 of the board's rules' and inserting in lieu thereof the words >47CSR11-1';

On page 24, subdivision 7.2.b (previously 7.2.c), by striking >Section 2 and 3 of Series 3 of the Legislative Rules' and inserting in lieu thereof >the Division of Environmental Protection's legislative rule, 47CSR10, sections 3 and 4';

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On page 24, subsection 7.3, by striking out the words >Series 1' and inserting in lieu thereof the words >46CSR1';

On page 28, part 9.2.b.3.A.2, by striking out the word >withdraw' and inserting in lieu thereof the word >withdrawn';

On page 29, paragraph 9.2.b.13, by striking out the word >being' on first line and inserting in lieu thereof the word >begin';

On page 30, paragraph 9.4.a.4, by striking out the word >required' and inserting in lieu thereof the word >requires';

Beginning on page 30, subdivision 9.4.b., and continuing throughout the text of the rule, by striking out the words >Section 8', and inserting in lieu thereof the words >Section 12';

On page 32, subdivision 11.3.b, by striking out the word >They' and inserting in lieu thereof the word >The';

On page 33, paragraph 12.1.a.2., by striking out the word >section' and inserting in lieu thereof the word >action';

On page 34, subparagraph 12.1.c.1.C, by striking out the word >Department' and inserting in lieu thereof the word >Division';

On page 35, subsection 12.2, in the first sentence, by striking out the word >not' and inserting in lieu thereof the word >no';

On page 36, subdivision 12.5.a, by striking out the word >permits' and inserting in lieu thereof the word >permit';

On page 43, paragraph 14.1.a.1, by striking out the word >Farrenheit' and inserting in lieu thereof the word >Fahrenheit';

On page 44, subsection 14.5, after the word >Chief', by striking out the word >to' and inserting in lieu thereof the word >for';

On page 45, subdivision 16.1.a., by striking out the words >7, 8, 10 and 12a' and inserting in lieu thereof the words >11, 12, 15, and 19';

On Page 45, subdivision 16.1.b., after the word >Section', by striking out the number >17' and inserting in lieu thereof the number >22';

On Page 45, subdivision 16.1.c., after the word >Section', by striking out the number >19' and inserting in lieu thereof the number >24';

On page 45, subsection 17.1, by striking out the words >Chapter 20, Article 5, Section 3(b)'

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and inserting in lieu thereof the words >Chapter 22B, Article 1';

And,

On page 45, section 18, by striking out the words >Series 3' and inserting in lieu thereof the words >47CSR11'."

(c) The legislative rule relating to the Division of Environmental Protection, office of water resources (special rules, 47 CSR 11), effective July 1, 1987, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' on the fifth line and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

On page 1, subsection 1.1, by striking out the words >Series 1 and 2 of the state Water Resources Board's Legislative Rules' and inserting in lieu thereof the words >46CSR1 and 47CSR10';

Beginning on page 1, subsection 1.2, and continuing throughout the text of the rule, by striking out the code reference >§20-5A' and inserting in lieu thereof the code reference >§22-11 et seq';

Beginning on page 1, subsection 2.2, and continuing throughout the text of the rule, by striking out the words >State Water Resources' and inserting in lieu thereof the words >Environmental Quality';

Beginning on page 1, subdivision 2.2.a, and continuing throughout the text of the rule, by striking out the words >Division of Water Resources' and inserting in lieu thereof the words >Office of Water Resources';

On page 2, subsection 2.4, by striking out the words >section nine, article five A, chapter twenty of the West Virginia Code shall be punishable under section nine, article five-A, chapter twenty of the West Virginia Code' and inserting in lieu thereof the words >W.Va. Code §22-11-14 shall be punishable under W.Va. Code §22-11-24';

On page 3, subdivision 3.3.c, by striking out the words >see Section 8, Series 2' and inserting in lieu thereof the words >See 46CSR1, section 8';

On page 3, section 4, by striking out the word >care' and inserting in lieu thereof the word

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>car';

On page 5, subsection 6.6, by striking out the word >of' and inserting in lieu thereof the word >or';

And,

On page 6, by striking out section 8 in its entirety, and inserting in lieu thereof the words >(THIS SECTION IS SUPERSEDED BY 47CSR26)', and by renumbering the following section 9 as section 8."

(d) The legislative rule relating to the Division of Environmental Protection, office of water resources (underground injection control, 47 CSR 13), effective August 25, 1993, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by striking out the words >- WASTE MANAGEMENT' on the fifth line;

Beginning on page 1, in the Editor's Note, and continuing throughout the text of the rule, by striking out the words >Water Resources Board' and inserting in lieu thereof the words >Environmental Quality Board';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the words >these regulations' and inserting in lieu thereof the words >this rule';

Beginning on page 1, subdivision 1.1.a., and continuing throughout the text of the rule, by striking out the word >regulations' and inserting in lieu thereof the word >rule';

Beginning on page 1, paragraph 1.1.e.4., and continuing throughout the text of the rule, by striking out the words used to describe the cross-references to sections, subsections, subdivisions, paragraphs, subparagraphs, parts, subparts, items or subitems, and inserting in lieu thereof the corresponding reference as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, subsection 1.2, by striking the code reference >§20-5A-3(b)(2)' and inserting in lieu thereof >§22-11-4(a)(16)';

On page 1, section 2, by striking out the code reference >§20-5A-2' and inserting in lieu thereof the code reference >§22-11-3';

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On page 3, subsection 2.24, by striking out the word >orifc' and inserting in lieu thereof the word >orifice';

On page 3, subsection 2.28, by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35' and inserting in lieu thereof the words >33CSR20';

On page 3, subsection 2.30, by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-2.68' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-2.68';

On page 4, subsection 2.51, by striking out the code reference >§20-5A-1' and inserting in lieu thereof the code reference >§22-11-1';

On page 5, subdivision 2.58.c. , by striking out the word >aquifier' and inserting in lieu thereof the word >aquifer';

On page 7, subdivision 5.3.b., in the second paragraph, by striking out the word >multipled' and inserting in lieu thereof the word >multiplied';

On page 7, subdivision 5.3.b., in the second paragraph, by striking out the word >mulipled' and inserting in lieu thereof the word >multiplied';

On page 7, subdivision 5.3.b., after the last sentence in the subdivision, by inserting the words >(See Table 13.5-A at end of this rule)';

On page 8 subparagraph 5.3.b.2.D., by striking out the word >infintesimal' and inserting in lieu thereof the word >infinitesimal';

On page 9, subdivision 7.3.a., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-4. (Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-4 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.b., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-8.2.2.(Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.22 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.c., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-8.5. (Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.5 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.d., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section

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47-35-8.5.3. (Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.5.3 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.e., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-8.54.(Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.5.4 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.f., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-8.5.6. (Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.5.6 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.g., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-8.5.6. (Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.5.6 (W.Va. Code Chapter 22, Article 18)';

On page 9, subdivision 7.3.h., by striking out the words >Title 47, Legislative Rules, Division of Natural Resources, Series 35, Hazardous Waste Management Regulations, Section 47-35-8.2.7. (Chapter 20-5E)' and inserting in lieu thereof the words >the Hazardous Waste Management Rule, 33CSR20-8.2.7 (W.Va. Code Chapter 22, Article 18)';

On page 19, subparagraph 10.5.a.6.B., by striking out the word >Qualitive' and inserting in lieu thereof the word >Qualitative';

On page 20, subsection 11.2 and subdivisions 11.2.a. and 11.2.b., by striking out the second occurrence of subsection 11.2 and subdivisions 11.2.a. and 11.2.b., so as to the duplicated language;

On page 20, paragraph 11.4.a.1., and on page 22, paragraph 13.2.d.3, by striking out the words >Chapter 20-5E of the West Virginia Code' and inserting in lieu thereof the words >W.Va. Code Chapter 22, Article 18';

On page 22, subdivision 13.1.f., by striking out the words >Section 12a of the state Act' and inserting in lieu thereof the words >W.Va. Code §22-11-19';

On page 22, subparagraph 13.10.d.5.A., by striking out the words >§20-5E-1' and inserting in lieu thereof the words >§22-18-1';

On page 32, paragraph 13.13.l.6., by striking out the word >reoccurance' and inserting in lieu thereof the word >reoccurrence';

On page 37, paragraph 13.22.e.1., by striking out the word >occured' and inserting in lieu thereof the word >occurred',"

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And,

At the end of the rule, by inserting a table, as follows:

TABLE 13-5A

Zone of Endangering Influence

where:

(e) The legislative rule relating to the Division of Environmental Protection, office of water resources (water pollution control permit fee schedules, 47 CSR 26), effective July 1, 1993, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by inserting the words >BUREAU OF ENVIRONMENT' on the third line, and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' on the fifth line and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

On page 1, subsection 1.1, by striking out the word >Section' and inserting in lieu thereof the word >Office';

Beginning on page 1, subsection 1.1, and continuing throughout the text of the rule, by striking out the code reference >20-5A-5' and inserting in lieu thereof the code reference >22-11-8';

On page 1, subsection 1.2, by striking the code reference >§20-5A-6a' and inserting in lieu thereof >§22-11-10';

Beginning on page 1, subsection 1.5, and continuing throughout the text of the rule, by striking out the words >these regulations' and inserting in lieu thereof the words >this rule';

On page 1, subdivision 2.2.b, by striking out the words >46 C.S.R. 2 §4.4.b.3' and inserting in lieu thereof the words >47CSR10, paragraph 4.4.b.3.';

On page 1, subsection 2.3, by striking out the words >Section of Water Resources of the Division of Natural Resources of the West Virginia Department of Commerce, Labor and Environmental Resources' and inserting in lieu thereof the words >Office of Water Resources of the Division of Environmental Protection of the West Virginia Bureau of Environment';

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Beginning on page 2, subsection 2.5, and continuing throughout the text of the rule, by striking out the code reference >20-5A' and inserting in lieu thereof the code reference >22-11';

On page 2, subsection 2.10, by striking out the words >46 C.S.R.2 §9.2.b' and inserting in lieu thereof the words >47CSR10, subdivision 9.2.b';

On page 2, subsection 2.11, by striking out the words >46 C.S.R. 2 §9.2.a' and inserting in lieu thereof the words >47CSR10, subdivision 9.2.a';

On page 3, subdivision 2.23.a and 2.23b, by striking out the words >47 C.S.R. 35' in both instances and inserting in lieu thereof the words >33CSR20';

On page 3, subsection 3.3, by striking out the words >West Virginia Division of Natural Resources' and inserting in lieu thereof >West Virginia Division of Environmental Protection, Office of Water Resources';

On page 3, subdivision 3.4.a, by striking out the words >46 C.S.R. 2 §4.3' and inserting in lieu thereof the words >47CSR10, subsection 4.3';

And,

"Beginning on page 6, subsection 4.4, and continuing throughout the text of the rule, by striking out the words >47 C.S.R. 38' and inserting in lieu thereof the words >33CSR1'."

(f) The legislative rule relating to the Division of Environmental Protection, office of water resources (dam safety rules, 47 CSR 34), effective May 1, 1995, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 13, subparagraph 6.4.e.2.D., by striking out the words 'Building 9', and inserting in lieu thereof the words 'Cultural Center';

On page 13, subparagraph 6.4.e.2.D., by inserting the word 'East' immediately following the words 'Kanawha Boulevard';

On page 14, part 7.1.b.1.A.1., by striking out the words 'Class 3 dams must be designed with either an open channel spillway only or a combination of principal and emergency spillways. A Class 3 dam shall be capable of passing that portion of the design storm that cannot be safely stored in the impoundment. The design of a Class 3 dam must assure that ninety percent (90%) of the stored volume of the design storm will be discharged within ten (10) days after the storm event.' and inserting in lieu thereof the words 'Class 1 dams designed

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with either an open channel spillway only or with an emergency spillway and a principal spillway together must be capable of discharging that portion of the design storm that cannot be safely stored in the impoundment. Class 1 dams designed with a decant or principal spillway only must be capable of storing the volume of water generated by a PMP rainfall event of six (6) hours in duration. The design of a Class 1 dam must assure that ninety percent (90%) of the stored volume of the design storm will be discharged within ten (10) days after the storm event.';

On page 14, part 7.1.b.1.A.3., by striking out the words 'Class 1 dams designed with either an open channel spillway only or with an emergency spillway and a principal spillway together must be capable of discharging that portion of the design storm that cannot be safely stored in the impoundment. Class 1 dams designed with a decant or principal spillway only must be capable of storing the volume of water generated by a PMP rainfall event of six (6) hours in duration. The design of a Class 1 dam must assure that ninety percent (90%) of the stored volume of the design storm will be discharged within ten (10) days after the storm event.' and inserting in lieu thereof the words 'Class 3 dams must be designed with either an open channel spillway only or a combination of principal and emergency spillways. A Class 3 dam shall be capable of passing that portion of the design storm that cannot be safely stored in the impoundment. The design of a Class 3 dam must assure that ninety percent (90%) of the stored volume of the design storm will be discharged within ten (10) days after the storm event.';

On page 15, part 7.1.b.1.C.1., by striking out the words 'Class 3 and Class 4 Dams - Once in twenty-five (25) years.' and inserting in lieu thereof the words 'Class 1 Dams - Once in one hundred (100) years.';

On page 15, part 7.1.b.1.C.3., by striking out the words 'Class 1 Dams - Once in one hundred (100) years.' and inserting in lieu thereof the words 'Class 3 and Class 4 Dams - Once in twenty-five (25) years.';

On page 33, subsection 13.2., by inserting the words 'or her' immediately following the word 'his';

On page 38, subsection 18.3., by striking out the words 'W.Va. Code §22-14-17' and inserting in lieu thereof the words 'W.Va. Code §22-14-7';

And,

On page 41, subdivision 19.5.a., by inserting the words 'Calculation -' immediately following the citation '19.5.a.'."

(g) The legislative rule relating to the Division of Environmental Protection, office of water resources (groundwater protection act fee schedule, 47 CSR 55), effective June 1, 1994, is reauthorized with the following amendments:

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"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by striking out the words >DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES' and inserting in lieu thereof the words >BUREAU OF ENVIRONMENT', and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

Beginning on page 1, and continuing throughout the text of the rule, by striking out the code reference >§20-5M-1 et seq.', and inserting in lieu thereof the code reference >§22-12-1 et seq.';

Beginning on page 1, and continuing throughout the text of the rule, by striking out the code reference >§20-5M-9 subsection (a)' and inserting in lieu thereof the code reference >§22-12-9(a)';

On page 1, subsection 1.5, by striking out the word >Section' and inserting in lieu thereof the word >subsection';

On page 1, subsection 2.3, by striking out the words >Solid Waste Management Regulation 47 C.S.R. 38' and inserting in lieu thereof the words >Solid Waste Management Rule 33CSR1';

On page 1, subsection 2.4, by striking out the words >Division of Environmental Protection of the Department of Commerce, labor and environmental resources' and inserting in lieu thereof the words >Division of Environmental Protection of the Bureau of Environment';

On page 1, subsection 2.5, by striking out the code reference >§20-5G-1 et seq.', and inserting in lieu thereof the words >§22-19-1 et seq.';

On page 1, subsection 2.8, by striking out the code reference >§20-5M-9(c)(1)' and inserting in lieu thereof the code reference >§22-12-9(c)(1)';

On page 1, subsection 2.9, by striking out the words >section 3.1.3' and inserting in lieu thereof the words >subdivision 3.1.c', and by striking out the word >regulations' and inserting in lieu thereof the word >rule', and by striking out the words >47 C.S.R.35' and inserting in lieu thereof the words >33CSR20';

On page 2, subsection 2.11, by striking out the words >Section 2.22' and inserting in lieu thereof the words >subsection 2.24', and by striking out the code reference >46 C.S.R. 2' and inserting in lieu thereof the words >47CSR10';

On page 2, subsection 2.17, by striking the code reference >§20-5F-2(k)' and inserting in

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lieu thereof >§22-15-2(27)';

On page 2, subdivision 3.3.a., by striking out the code reference >§20-5M-10' and inserting in lieu thereof the code reference >§22-12-10';

On page 3, paragraph 3.3.a.2., by striking out the words >subsection 3.4.1' and inserting in lieu thereof the words >subdivision 3.4.a.';

On page 3, subdivision 3.3.b., by striking out the words >§20-5M-8(c) et seq.' and inserting in lieu thereof the words >§22-12-8(c) et seq.';

On page 3, subsection 3.5., by striking out the words >paragraph 3.5.3' and inserting in lieu thereof the words >subdivision 3.5.c.';

On page 3, subdivision 3.5.f., by striking out the words >§20-5F-5a' and inserting in lieu thereof the words >§22-15-11';

On page 3, subdivision 3.5.h., by striking out the code reference >§22A-3-1 et seq.' and inserting in lieu thereof the code reference >§22-3-1 et seq.', by striking out the code reference >§20-5A-5(b)(6)' and inserting in lieu thereof the code reference >§22-11-8(b)(6)', and by striking out the code reference >§22A-4-1 et seq' and inserting in lieu thereof the code reference >§22-4-1 et seq.';

On page 3, subdivision 3.5.i., by striking out the code reference >§20-5A-5(b)(1 through 6)' and inserting in lieu thereof the code reference >§22-11-8(b)(1 through 6)';

On page 3, subdivision 3.5.j., by striking out the code reference >§20-5A-5(b)(1 through 6)' and inserting in lieu thereof the code reference >§22-11-8(b)(1 through 6)', and by striking out the words >paragraphs 3.5.11, 3.5.12 or 3.5.13' and inserting in lieu thereof the words >subdivisions 3.5.k, 3.5.l, or 3.5.m';

And,

On page 4, subdivision 3.5.t., by striking out the words >paragraphs 3.5.1 through 3.5.19' and inserting in lieu thereof the words >subdivisions 3.5.a. through 3.5.s.'."

(h) The legislative rule relating to the Division of Environmental Protection, office of water resources (assessment of civil administrative penalties, 47 CSR 56), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by striking out the words >DEPARTMENT OF

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COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES' and inserting in lieu thereof the words >BUREAU OF ENVIRONMENT', and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

Beginning on page 1, subsection 1.2, and continuing throughout the text of the rule, by striking out the code reference >§20-5M-10 et seq.', and inserting in lieu thereof the code reference >§22-12-10 et seq.';

On page 1, subsection 2.1, by striking out the code reference >§20-5M-1 et seq.' and inserting in lieu thereof the code reference >§22-12-1 et seq.';

On page 3, subsection 5.5, by striking out the words >State Water Resources Board', and inserting in lieu thereof the words >Environmental Quality Board';

And,

On page 3, subsection 6.3, by striking out the word >Section' and inserting in lieu thereof the word >subsection'."

(i) The legislative rule relating to the Division of Environmental Protection, office of water resources (groundwater quality standard variances, 47 CSR 57), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by striking out the words >DIVISION OF NATURAL RESOURCES' and inserting in lieu thereof the words >BUREAU OF ENVIRONMENT', by striking out the words >DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES' and inserting in lieu thereof the words >DIVISION OF ENVIRONMENTAL PROTECTION', and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

Beginning on page 1, subsection 1.2, and continuing throughout the text of the rule, by striking out the code reference >§20-5M-1 et seq.', and inserting in lieu thereof the code reference >§22-12-1 et seq.';

On page 1, subsection 1.2, by striking out the code reference >§20-5M-1 through 6', and inserting in lieu thereof the code reference >§§22-12-1 through 6';

On page 1, section 2.0, by striking out the code reference >§20-5M-3' and inserting in lieu thereof the code reference >§22-12-3';

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Beginning on page 1, subsection 2.7, and continuing throughout the text of the rule, by striking out the words >Department of Commerce, Labor and Environmental Resources' and inserting in lieu thereof the words >Bureau of Environment';

On page 2, subsection 2.10, by striking out the words >State Water Resources Board' and inserting in lieu thereof the words >Environmental Quality Board';

On page 2, subsection 3.1, by striking out the words >Article 3, Chapter 22A of the W.Va. Code or Article 5A, Chapter 20 of the W.Va. Code', and inserting in lieu thereof the words >W.Va. Code §§22-3-1 et seq. or 22-11-1 et seq.';

On page 2, subsection 3.2, by striking out the words >Chapter 22B of the W.Va. Code', and inserting in lieu thereof >W.Va. Code §22-6-1 et seq.';

On page 2, subsection 3.3, by striking out the words >Article 4, Chapter 22A of the W.Va. Code', and inserting in lieu thereof the words >W.Va. Code §22-4-1 et seq.';

On page 2, subsection 4.2, by striking out the code reference >§20-5M-4(b)' and inserting in lieu thereof the code reference >§22-12-4(b)';

On page 3, subdivisions 5.2.a. through 5.2.g., on page 4, subdivisions 6.2.a. through 6.2.k. and subdivisions 6.3.a. through 6.3.b., and on page 5, subdivisions 6.3.c. through 6.3.d. and subdivisions 6.7.a. through 6.7.d., by striking the first letter of the beginning word in these subdivisions, and inserting the appropriate capital letter for the word;

On page 5, subsection 6.6, and continuing throughout the text of the rule, by striking out the words >Water Resources Board' and inserting in lieu thereof the words >Environmental Quality Board';

And,

On page 5, subdivision 6.7.a., by striking out the code reference >§20-5M-5(g)' and inserting in lieu thereof >§22-12-5(g)'."

(j) The legislative rule relating to the Division of Environmental Protection, office of water resources (groundwater protection rules, 47 CSR 58), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, in the title of the rule, by striking out the words >DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES' and inserting in lieu thereof the words >BUREAU OF ENVIRONMENT', and by striking out the words >WATER

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RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word >regulations' and inserting in lieu thereof the word >rule';

On page 1, subsection 1.1, by striking out the words >chapter 20-5M-1 et seq. of the West Virginia Code' and inserting in lieu thereof the words >W.Va. Code §22-12-1 et seq.';

On page 1, subsection 1.2, by striking out the words >West Virginia Code 20-5M-5(d)' and inserting in lieu thereof the words >W.Va. Code §22-12-5(d)';

On page 1, subsection 2.3, by striking out the words >Department of Commerce, Labor and Environmental Resources' and inserting in lieu thereof the words >Bureau of Environment', and by inserting the words >or her' immediately following the word >him';

On page 2, in the note immediately following subdivision 4.3.b., by striking out the words >46 C.S.R. 3', and inserting in lieu thereof the words >47CSR11';

On page 3, paragraph 4.6.c.1., by striking out the words >20-5D-1' and inserting in lieu thereof the words >22-14-1', and by striking out the words >Articles (Chapter 20-5M and 20-5D)' and inserting in lieu thereof the words >Chapter 22, Article 12 and Chapter 22, Article 14';

On page 6, subsection 5.1, in two occurrences, by striking out the words >Chapter 20, Article 5M', and inserting in lieu thereof the words >Chapter 22, Article 12';

On page 6, subsection 7.2, by striking out the words >sections(s) 20-5M-5 (f) through (l) of the W.Va. Code', and inserting in lieu thereof the words >W.Va. Code §22-12-5 (f) through (l)';

And,

On page 7, subsections 12.1 and 12.2, by striking out the words >Water Resources Board', and inserting in lieu thereof the words >Environmental Quality Board', and by striking out the words >§20-5M-11' and inserting in lieu thereof the words >§22-12-11'."

(k) The legislative rule relating to the Division of Environmental Protection, office of water resources (monitoring well rules, 47 CSR 59), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

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On page 1, in the title of the rule, by striking out the words >DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES' and inserting in lieu thereof the words >BUREAU OF ENVIRONMENT', and by striking out the words >WATER RESOURCES - WASTE MANAGEMENT' and inserting in lieu thereof the words >OFFICE OF WATER RESOURCES';

On page 1, in the title, by striking out the word >regulations' and inserting in lieu thereof the word >rule';

On page 3, subsection 1.2, by striking out the code reference >§20-5M-5(d)', and inserting in lieu thereof the code reference >§22-12-5(d)';

And,

On page 3, subsection 7.5 and section 8, by striking out the code reference >§20-5M-11' and inserting in lieu thereof the code reference >§22-12-11'."

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§64-11-5. Division of environmental protection, office of waste management.

(a) The legislative rule relating to the division of environmental protection, office of waste management (assessment of civil administrative penalties, 47 CSR 4), effective April 22, 1991, is reauthorized with the following amendments:

"Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47' and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '4' and inserting in lieu thereof the series number '22';

On page 1, in the title, by striking out the words 'WATER RESOURCES-WASTE MANAGEMENT' and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

Beginning on page 1, subsection 1.1., and continuing throughout the text of the rule, by striking out the code reference '§20-5E-16', and inserting in lieu thereof the code reference '§22-18-17', and by striking out the code reference '§20-5F-6', and inserting in lieu thereof the code reference '§22-15-15';

On page 1, subsection 2.1., by striking out the code reference '§20-5E-1', and inserting in lieu thereof the code reference §22-18-1', and by striking out the code reference '§20-5F-1' and inserting in lieu thereof the code reference '§22-15-1';

On page 1, subsection 2.4., by striking out the words 'Natural Resources' and inserting in lieu thereof the words 'environmental protection';

On page 1, subsection 2.4., by inserting the words 'or her' immediately following the word 'his';

Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 3, subsection 5.5., by striking out the words 'State Water Resources Board', and inserting in lieu thereof the words 'environmental quality board';

Beginning on page 3, subsection 6.2., and continuing throughout the text of the rule, by striking out the words 'these regulations', and inserting in lieu thereof 'this rule';

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And,

On page 4, subsections 6.5, 7.3. and 7.5, by striking out the word 'Section', and inserting in lieu thereof the word 'subsection'."

(b) The legislative rule relating to the Division of Environmental Protection, office of waste management (groundwater protection standard, 47 CSR 12), effective April 25, 1984, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '12', and inserting in lieu thereof the series number '23';

On page 1, in the title, by striking out the words 'WATER RESOURCES-WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

On page 1, subsection 1.1., by striking out the words 'these regulations', and inserting in lieu thereof the words 'this rule';

On page 1, subsection 1.1., by striking out the words 'Section 2, Series 35, Department of Natural Resources Administrative Regulations', and inserting in lieu thereof the words '33CSR20, Section 2';

And,

On page 1, subsection 1.2., by striking out the code references '20-5E and 5A' and inserting in lieu thereof the code references 'Chapter 22, Articles 18 and 11'."

(c) The legislative rule relating to the Division of Environmental Protection, office of waste management (commercial hazardous waste management facility siting fees, 47 CSR 35A), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '35A', and inserting in lieu thereof the series number '21';

On page 1, in the title, by striking out the words 'WATER RESOURCES-WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

On page 1, subsection 1.1., by striking out the code reference '§20-10-1', and inserting in lieu

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thereof the code reference '§22C-5-1';

On page 1, subsection 1.2., by striking out the code reference '§20-10-5(b)', and inserting in lieu thereof the code reference '§22C-5-6(b)';

On page 1, subsection 2.1., by striking out the code reference '§20-10-3', and inserting in lieu thereof the code reference '§22C-5-4';

Beginning on page 1, subsection 2.2., and continuing throughout the text of the rule, by striking out the rule reference '47 C.S.R. 35', and inserting in lieu thereof the rule reference '33CSR20';

Beginning on page 1, subsection 2.2., and continuing throughout the text of the rule, by striking out the word 'regulations', and inserting in lieu thereof the word 'rule';

On page 1, subsection 3.1., by striking out the code reference '§20-10-5', and inserting in lieu thereof the code reference '§22C-5-6'."

And,

On page 1, subsection 3.3., by striking out the word 'regulations' and inserting in lieu thereof the word 'rule'."

(d) The legislative rule relating to the Division of Environmental Protection, office of waste management (underground storage tanks, 47 CSR 36), effective July 1, 1996, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '36', and inserting in lieu thereof the series number '30';

On page 1, in the title, by striking out the words 'WATER RESOURCES-WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

On page 5, subsection 4.6., by striking out the rule reference '(46 C.S.R. 30)', and inserting in lieu thereof the rule reference '(33CSR30)';

And,

On page 5, subsection 5.1., by striking out the rule reference '(47 C.S.R. 37)', and inserting in lieu thereof the rule reference '(33CSR31)', by striking out the rule reference '(47 C.S.R. 36 Section 4)', and inserting in lieu thereof the rule reference '(33CSR30 §4)', and by striking out the rule reference '(47 C.S.R. 37A Section 5)', and inserting in lieu thereof the

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rule reference '(33CSR32 §5)'."

(e) The legislative rule relating to the Division of Environmental Protection, office of waste management (underground storage tank fee assessments, 47 CSR 37), effective June 14, 1993, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '37', and inserting in lieu thereof the series number '31';

On page 1, in the title, by striking out the words 'WATER RESOURCES-WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

On page 1, subsection 1.1, by striking out the code reference 'W.Va. Code §§20-5H-20 and 20-5H-21' and inserting in lieu thereof the code reference 'W.Va. Code §§22-17-20 and 22-17-21';

On page 1, subsection 1.2., by striking out the code reference 'W.Va. Code §20-5H-6', and inserting in lieu thereof the code reference 'W.Va. Code §22-17-6';

Beginning on page 1, subsection 1.5., and continuing throughout the text of the rule, by striking out the words 'these regulations', and inserting in lieu thereof the words 'this rule';

Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, subsection 2.1., by striking out the code reference '§20-5H', and inserting in lieu thereof the code reference '§22-17-1';

On page 1, subsection 2.1., before the word means, by inserting the word 'Act' in the definition;

On page 1, subsection 2.2., before the word means, by inserting the word 'Change-In-Service' in the definition;

On page 1, subsection 2.3., before the word means, by inserting the word 'Division' in the definition;

On page 1, subsection 2.4., before the word means, by inserting the word 'Owner' in the definition;

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On page 2, subsection 2.5., before the word means, by inserting the word 'Person' in the definition;

On page 2, subsection 2.6., before the word means, by inserting the word 'Permanent Closure' in the definition;

On page 2, subsection 2.7., before the word means, by inserting the word 'Regulated Substance' in the definition;

On page 2, subsection 2.8., before the word means, by inserting the word 'Underground Storage Tank or UST' in the definition;

On page 2, subdivision 2.8.a., by striking out the word 'Farms', and inserting in lieu thereof the word 'Farm';

On page 2, subdivision 2.8.j., by striking out the words 'Section 2.8.1. through 2.8.9.' and inserting in lieu thereof the words 'subdivisions 2.8.a. through 2.8.i.';

Beginning on page 3, subdivision 3.3.b., and continuing to subdivisions 3.3.c. and 5.1.a., and paragraphs 4.4.c.1, 5.1.b.1. and 5.1.c.1, by striking out the word 'Sections' and inserting in lieu thereof the word 'subsections';

On page 3, subdivision 4.4.c., by striking out the words '47 C.S.R. 36 §4', and inserting in lieu thereof the words '33CSR30 §4', and by striking out the words 'W.Va. Code §20-5H-8', and inserting in lieu thereof the words 'W.Va. Code §22-17-8';

On page 4, subsection 4.5., by striking out the code references '§§20-5H-15 and 20-5H-16', and inserting in lieu thereof the code references '§§22-17-15 and 22-17-16';

On page 4, subsection 5.1., by striking out the code references '§§20-5H-20 and 20-5H-21', and inserting in lieu thereof the code references '§§22-17-20 and 22-17-21';

And,

On page 4, paragraph 5.1.c.2., by striking out the code reference '§20-5H-20(a)', and inserting in lieu thereof the code reference '§22-17-20(a)'."

(f) The legislative rule relating to the Division of Environmental Protection, office of waste management (solid waste management rule, 47 CSR 38), effective June 2, 1996, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

On page 1, in the title, by striking out the words 'WATER RESOURCES - WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE

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MANAGEMENT';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '38', and inserting in lieu thereof the series number '1';

Beginning on page 1, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 1, paragraph 1.1.a.4., and continuing throughout the text of the rule, by striking out the words used to describe the cross-references to sections, subsections, subdivisions, paragraphs, subparagraphs, parts, subparts, items or subitems, and inserting in lieu thereof the corresponding reference as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 1, subsection 1.5, and continuing throughout the text of the rule, by striking out the rule reference '47CSR38', and inserting in lieu thereof the rule reference '33CSR1';

Beginning on page 1, subsection 1.5, and continuing throughout the rule, by striking out the words 'these regulations', and inserting in lieu thereof the words 'this rule';

Beginning on page 9, subsection 2.88, and continuing throughout section 2 of the rule, by correctly renumbering all misnumbered subsections and subdivisions;

On page 50, subparagraph 3.13.k.1.F, by striking out the word 'data', and inserting in lieu thereof the word 'date';

Beginning on page 72, subsection 4.1, and continuing throughout the text of the rule, by striking out the word 'sec.', and inserting in lieu thereof the word 'seq.';

Beginning on page 111, paragraph 4.11.b.2., and continuing throughout the text of the rule, by striking out the word 'chief', and inserting in lieu thereof the word 'director';

And,

Beginning on page 117, subsection 4.11.e, and continuing throughout the text of the rule, by striking out the abbreviation 'WV', and inserting in lieu thereof the abbreviation 'W.Va."

(g) The legislative rule relating to the Division of Environmental Protection, office of waste management (commercial solid waste landfill closure assistance program, 47 CSR 38C), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking

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out the title number '47', and inserting in lieu thereof the title number '33';

On page 1, in the title, by striking out the words 'WATER RESOURCES - WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '38C', and inserting in lieu thereof the series number '40';

On page 1, subsection 1.1, by striking out the code reference '§20-5N-1 et seq.', and inserting in lieu thereof the code reference '§22-16-1 et seq.';

On page 1, subsection 1.1, by striking out the words 'Article 5N' and inserting in lieu thereof the words 'Article 16.';

On page 1, subsection 1.2, by striking out the code reference '§20-5N-8', and inserting in lieu thereof the code reference '§22-16-13.';

Beginning on page 1, subsection 1.6, and continuing throughout the text of the rule, by striking out the words 'these regulations', and inserting in lieu thereof the words 'this rule', and by striking out the word 'regulation' and inserting in lieu thereof the word 'rule';

On page 1, subsection 2.2, by striking out the code references '§§20-5N-3 and 10', and inserting in lieu thereof the code references '§§22-16-3 and 15';

On page 2, subsection 2.3, by striking out the words 'of the Department of Commerce, Labor and Environmental Protection';On page 2, subsection 2.7, by inserting the subsection heading 'Incorporation of §22-15-2 Definitions.';

On page 2, subsection 2.7, by striking out the code reference '§20-5F-2' and inserting in lieu thereof the code reference '§22-15-2';

On page 2, subsection 3.1, by inserting the subsection heading 'Application Form.';

On page 2, subsection 3.2, by inserting the subsection heading 'Application Information.';

Beginning on page 2, subsection 3.2, and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 3, paragraph 3.2.h.2., and continuing throughout the text of the rule, by striking out the words used to describe the cross-references to sections, subsections, subdivisions, paragraphs, subparagraphs, parts, subparts, items or subitems, and inserting in lieu thereof the corresponding reference as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for

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publication of the state register or parts of the state register, 153 CSR 6);

On page 3, subparagraphs 3.2.e. and 3.2.f., by striking out the abbreviation >No.' and by inserting the word 'Number';

On page 4, paragraph 3.2.h.5., by striking out the code reference '§20-5F-4(k)', and inserting in lieu thereof the code reference '§22-15-5(j)';

On page 4, subsection 3.3, by inserting the subsection heading 'Application Review and Decision.';

On page 4, subsection 3.4, by inserting the subsection heading 'Application Resubmittal.';

On page 4, subsection 3.5, by inserting the subsection heading 'Application Deadlines.';

On page 4, subsection 3.5, by striking out the code reference '§20-5F-6', and inserting in lieu thereof the code reference '§22-16-11';

On page 5, subsection 4.1, by inserting the subsection heading 'Valid Landfill Facility Permit Required.';

Beginning on page 5, subsection 4.1, and continuing throughout the text of the rule, by striking out the code reference '§20-5F-1' and inserting in lieu thereof the code reference '§22-15-1';

On page 5, subdivision 4.1.b, by striking out the code reference '§20-5A-1', and inserting in lieu thereof the code reference '§22-11-1';

On page 5, subdivision 4.2.b., by striking out the code reference '§20-5F-1', and inserting in lieu thereof the code reference '§22-15-1';

Beginning on page 5, subsection 4.2.b., and continuing throughout the text of the rule, by striking out the rule reference '47 CSR 38', and inserting in lieu thereof the rule reference '33CSR1';

On page 6, subdivision 4.4.a., by striking out the words 'Water Resources Board', and inserting in lieu thereof the words 'Environmental Quality Board';

On page 6, subdivision 4.5, by striking out the code reference '§20-5N-4(a)', and inserting in lieu thereof the code reference '§22-16-4';

Beginning on page 6, in paragraph 4.6.a.3., and continuing throughout the text of the rule, by striking out the word 'Chief', and inserting in lieu thereof the word 'director';

On page 7, subsection 4.7, by inserting the subsection heading 'Authority of the Director to Modify Permit.';

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On page 7, subsection 4.8, by inserting the subsection heading 'Granting of Access to Facility To Director.';

On page 7, subsection 5.1, by inserting the subsection heading 'Authority of the Director to Establish Maintenance Contracts.';

On page 8, subsection 6.1, by inserting the subsection heading 'Performance of Post-Closure Activities.';

On page 8, subsection 7.1, by inserting the subsection heading 'Expenditure of Funds from the Closure Assistance Fund.';

On page 8, subsection 7.2, by inserting the subsection heading 'Assistance Contingent upon the Availability of Revenues.';

And,

On page 8, subsection 8.1, by inserting the subsection heading 'Priority for Final Assistance.'."

(h) The legislative rule relating to the Division of Environmental Protection, office of waste management (sewage sludge management rules, 47 CSR 38D), effective May 1, 1996, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

On page 1, in the title, on the line following the words 'DIVISION OF ENVIRONMENTAL PROTECTION', by inserting the words 'OFFICE OF WASTE MANAGEMENT';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '38D', and inserting in lieu thereof the series number '2';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the word 'regulations', and inserting in lieu thereof the word 'rule';

Beginning on page 5, subdivision 3.2.a., and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 6, subdivision 3.2.b., and continuing throughout the text of the rule, by striking out the words used to describe the cross-references to sections, subsections, subdivisions, paragraphs, subparagraphs, parts, subparts, items or subitems, and inserting in lieu thereof the corresponding reference as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for

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publication of the state register or parts of the state register, 153 CSR 6);

And,

On page 8, subdivision 4.1.e., and continuing throughout the text of the rule, by striking out the rule reference '47 CSR 38', and inserting in lieu thereof the rule reference '33CSR1'."

(i) The legislative rule relating to the Division of Environmental Protection, office of waste management (yard waste composting rule, 47 CSR 38E), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

On page 1, in the title, by striking out the words 'WATER RESOURCES - WASTE MANAGEMENT', and by inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '38E', and inserting in lieu thereof the series number 'E';

On page 1, §33-3-2, by striking out the code reference '§20-5F-2', and inserting in lieu thereof the code reference '22-15-2', and by striking out the rule reference '§47CSR38D' and inserting in lieu thereof the rule reference '33CSR2';

Beginning on page 2, subsection 2.3, and continuing throughout the text of the rule, by striking out the word 'Chief', and inserting in lieu thereof the word 'director';

Beginning on page 3, subdivision 3.1.a., and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 6, paragraph 3.1.a.2., and continuing throughout the text of the rule, by striking out the words used to describe the cross-references to sections, subsections, subdivisions, paragraphs, subparagraphs, parts, subparts, items or subitems, and inserting in lieu thereof the corresponding reference as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 3, paragraph 3.1.a.2., and continuing throughout the text of the rule, by striking out the rule reference '47 CSR 38', and inserting in lieu thereof the rule reference '33CSR1.';

Beginning on page 3, paragraph 3.1.a.2., and continuing throughout the text of the rule, by striking out the word 'regulations', and inserting in lieu thereof the word 'rule';

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On page 6, paragraph 3.4.c.3., after the semicolon, by inserting word 'and';

And,

Beginning on page 7, subparagraph 3.4.c.4.C, and continuing throughout the text of the rule, by striking out the word 'Division', and inserting in lieu thereof the words 'Division of

Environmental Protection'."

(j) The legislative rule relating to the Division of Environmental Protection, office of waste management (office of waste management, 47 CSR 38F), effective June 1, 1994, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '38F', and inserting in lieu thereof the series number '4';

On page 1, in the title, by striking out the words 'WATER RESOURCES - WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

And,

Beginning on page 2, subdivision 3.3.a., and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6)."

(k) The legislative rule relating to the Division of Environmental Protection, office of waste management (waste tire management rule, 47 CSR 38G), effective June 2, 1996, is reauthorized with the following amendments:

"Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the title number '47', and inserting in lieu thereof the title number '33';

On page 1, in the title, by striking out the words 'WATER RESOURCES - WASTE MANAGEMENT', and inserting in lieu thereof the words 'OFFICE OF WASTE MANAGEMENT';

Beginning on page 1, in the title, and continuing throughout the text of the rule, by striking out the series number '38G', and inserting in lieu thereof the series number '5';

Beginning on page 1, subdivision 1.1.a., and continuing throughout the text of the rule, by renumbering the text breakdown as necessary to conform with the rule of the Secretary of

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State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

Beginning on page 1, subdivision 1.1.c., and continuing throughout the text of the rule, by striking out the words used to describe the cross-references to sections, subsections, subdivisions, paragraphs, subparagraphs, parts, subparts, items or subitems, and inserting in lieu thereof the corresponding reference as necessary to conform with the rule of the Secretary of State relating to format (standard size and format for rules and procedures for publication of the state register or parts of the state register, 153 CSR 6);

On page 1, §33-5-2 (former §47-38G-2), and continuing throughout the text of the rule, by striking out the rule reference '47 CSR 38', and inserting in lieu thereof the rule reference '33CSR1';

Beginning on page 1, subsection 2.3, and continuing throughout the text of the rule, by striking out the word 'regulations', and inserting in lieu thereof the word 'rule';

Beginning on page 2, subsection 2.17, and continuing throughout the text of the rule, by striking out the abbreviation 'WV', and inserting in lieu thereof the abbreviation 'W.Va.';

Beginning on page 3, subdivision 3.1.b., and continuing throughout the text of the rule, by striking out the rule reference '47 CSR 38G', and inserting in lieu thereof the words 'this rule';

And,

Beginning on page 3, subdivision 3.2.a., and continuing throughout the text of the rule, by striking out the word 'chief', and inserting in lieu thereof the word 'director'."

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§64-12-1. Department of Administration

Board of Risk and Insurance Management

The legislative rule effective April 14, 1992, authorized under the authority of §29-12-5 of this code, relating to the Board of Risk and Insurance Management (discontinuation of professional malpractice insurance, 115 CSR 04), is repealed.

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§64-12-2. Department of Health and Human Resources, the Insurance Commissioner, and the Chair of the Department of Health and Human Resources.

The legislative rule effective April 1, 2022, authorized under the authority of §33-4A-8 of this code, relating to the Secretary of the Department of Health and Human Resources, the Insurance Commissioner, and Chair of the Department of Health and Human Resources (All-Payer Claims Database – Data Submission Requirements, 114A CSR 01), is repealed.

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§64-12-3. Department of Revenue

(a) Insurance Commissioner

(1) The legislative rule effective May 16, 1997, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (emergency medical services, 114 CSR 50), is repealed.

(2) The legislative rule effective May 16, 1997, authorized under the authority of §33-2-10 of this code, relating to the Insurance Commissioner (diabetes regulation, 114 CSR 52), is repealed.

(b) Racing Commission

The procedural rule effective September 30, 1991, authorized under the authority of §19-23-6 of this code, relating to the Racing Commission (dispute resolution procedures, 178 CSR 04), is repealed.

(c) State Tax Department

(1) The interpretative rule effective August 26, 2006, authorized under the authority of §11-10E-2 of this code, relating to the State Tax Department (tax shelter voluntary compliance program, 110 CSR 10E), is repealed.

(2) The interpretative rule effective October 12, 1992, authorized under the authority of §5A-3-37 of this code, relating to the State Tax Department (preference for determining successful bids, 110 CSR 12C), is repealed.

(3) The legislative rule effective May 11, 2010, authorized under the authority of §11-13X-9 of this code, relating to the State Tax Department (West Virginia Film Industry Investment Act, 110 CSR 13X), is repealed.

(4) The procedural rule effective June 16, 2003, authorized under the authority of §11-10-5 of this code, relating to the State Tax Department (tobacco products excise tax on floorstocks, 110 CSR 17A), is repealed.

(5) The legislative rule effective May 11, 2010, authorized under the authority of §11-13Z-3 of this code, relating to the State Tax Department (residential solar energy tax credit, 110 CSR 21D), is repealed.

(6) The legislative rule effective April 15, 1992, authorized under the authority of §11-10-5 of this code, relating to the State Tax Department (Business Franchise Tax, 110 CSR 23), is repealed.

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§64-12-4. Department of Commerce

Division of Labor

(1) The legislative rule effective April 25, 1984, authorized under the authority of §21-3-18 of this code, relating to the Division of Labor (hazardous chemical substances, 42 CSR 04), is repealed.

(2) The legislative rule effective April 1, 1996, authorized under the authority of §21-12-3 of this code, relating to the Division of Labor (Commercial Bungee Jumping Safety Act, 42 CSR 23), is repealed.

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§64-12-5. Department of Transportation.

The legislative rule effective September 1, 2001, authorized under the authority of §29-18-4 of this code, relating to the Department of Transportation, State Rail Authority (organization and meetings, 172 CSR 01), is repealed.

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§64-12-6. Miscellaneous agencies, boards, and commissions.

The legislative rule effective July 1, 2013, authorized under the authority of §30-30-6 of this code, relating to the Board of Social Work Examiners (applications, 25 CSR 4), is repealed.

WV Legislature

§64-12-7. Bureau of Commerce.

The legislative rule effective August 6, 1971, authorized under the authority of §47-5-1 of this code, relating to the Division of Labor (Safety Glazing Act, 42 CSR 13), is repealed.

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