

SB 1005

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST EXTRAORDINARY SESSION, 1994



ENROLLED

SENATE BILL NO. 1005

(By Senators Burdette, Mr. President, and
Boley, By Request of the Executive)



PASSED March 14, 1994

In Effect from Passage

E N R O L L E D

Senate Bill No. 1005

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed March 16, 1994; in effect from passage.]

AN ACT to amend and reenact sections one, two, seven, eight, seventeen and eighteen, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating generally to the promulgation of administrative rules and regulations by the various executive or administrative agencies and the procedures relating thereto; the legislative mandate or authorization for the promulgation of certain legislative rules by various executive and administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing the air pollution control commission to promulgate legislative rules relating to emission standards for hazardous air pollutants; authorizing the air pollution control commission to

promulgate legislative rules relating to the air pollution control commission to prevent and control air pollution from the emission of sulfur oxides, as modified; authorizing the air pollution control commission to promulgate legislative rules relating to permits for construction, modification, relocation and operation of stationary sources of air pollutants, notification requirements, temporary permits, general permits and procedures for evaluation; authorizing the air pollution control commission to promulgate legislative rules relating to prevention and control of particulate air pollution from manufacturing process operations; authorizing the air pollution control commission to promulgate legislative rules relating to standards of performance for new stationary sources; authorizing the air pollution control commission to promulgate legislative rules relating to prevention and control of air pollution from hazardous waste treatment, storage or disposal facilities, as modified; authorizing the air pollution control commission to promulgate legislative rules relating to requirements for operating permits; authorizing the division of banking to promulgate legislative rules relating to acquisition of property by financial institutions and valuation of real estate owned by state-chartered banks, as modified; authorizing the division of banking to promulgate legislative rules relating to notice and treatment of joint accounts, as modified; authorizing the division of labor to promulgate legislative rules relating to the elevator safety act, as modified; authorizing the division of natural resources to promulgate legislative rules relating to prohibitions when hunting and trapping, as amended; authorizing the division of natural resources to promulgate legislative rules relating to special fishing, as modified and amended; authorizing the division of natural resources to promulgate legislative rules relating to commercial whitewater commission, as amended; authorizing the division of environmental protection to promulgate legislative rules relating to solid waste landfill closure assistance program, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to monitoring wells,

as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to groundwater protection, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to groundwater protection and coal mining operations, as amended; authorizing the division of environmental protection to promulgate legislative rules relating to sewage sludge management, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to groundwater protection act fee schedule, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to underground injection control fee schedule, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to underground storage tanks, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to commercial hazardous waste management facility siting fees, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to hazardous waste management; authorizing the division of environmental protection to promulgate legislative rules relating to dam safety, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to groundwater quality standard variances, as modified; authorizing the division of environmental protection to promulgate legislative rules relating to lead acid battery, as modified and amended; authorizing the division of environmental protection to promulgate legislative rules relating to yard waste composting, as modified and amended; authorizing the division of environmental protections to promulgate legislative rules relating to the assessment of civil administrative penalties, as modified; authorizing the director of the office of miners' health, safety and training to promulgate legislative rules relating to rules and regulations governing the standards for certification of blasters for surface coal mines and surface areas of underground coal mines, as modified; and autho-

rizing the director of the officer of miners' health, safety and training to promulgate legislative rules relating to first aid training of shaft and/or slope employees, as modified.

Be it enacted by the Legislature of West Virginia:

That sections one, two, seven, eight, seventeen and eighteen, article three, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one as amended, be amended and reenacted, all to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-3-1. Air pollution control commission.

1 (a) The legislative rules filed in the state register on the
2 thirteenth day of August, one thousand nine hundred
3 eighty-two, relating to the air pollution control commis-
4 sion (series VII), are authorized.

5 (b) The legislative rules filed in the state register on the
6 thirteenth day of August, one thousand nine hundred
7 eighty-two, relating to the air pollution control commis-
8 sion (series XIX), are authorized.

9 (c) The legislative rules filed in the state register on the
10 sixteenth day of November, one thousand nine hundred
11 eighty-three, relating to the air pollution control
12 commission (emission standards for hazardous air
13 pollutants) (series XV), are authorized.

14 (d) The legislative rules filed in the state register on the
15 sixteenth day of November, one thousand nine hundred
16 eighty-three, relating to the air pollution control
17 commission (standards of performance for new station-
18 ary sources) (series XVI), are authorized.

19 (e) The legislative rules filed in the state register on the
20 sixth day of January, one thousand nine hundred eighty-
21 four, relating to the air pollution control commission (to
22 prevent and control air pollution from hazardous waste
23 treatment, storage or disposal facilities)(series XXV), are

24 authorized with the amendments set forth below:

25 Page 3, §1.06, change the § title from “Enforcement” to
26 “Procedure”; place an “(a)” in front of the existing
27 paragraph and add the following:

28 “(b) Permit applications filed pursuant to this
29 regulation shall be processed in accordance with the
30 permitting procedures as set forth in code §20-5E of this
31 regulation. Permit procedures set forth in code §16-20
32 and any other regulation of this commission are not
33 applicable to any permit application filed pursuant to
34 this regulation.”;

35 And,

36 Such rules shall also include a section which shall read
37 as follows:

38 “The commission shall report to the legislative rule-
39 making review committee as required by that committee,
40 but in no event later than the first day of the regular
41 session of the Legislature in the year one thousand nine
42 hundred eighty-five. Such report shall include informa-
43 tion regarding the commission’s data gathering efforts,
44 the development of compliance programs, the progress in
45 implementation, and such other matters as the commit-
46 tee may require, pertaining to the regulations hereby
47 authorized.”

48 (f) The legislative rules filed in the state register on the
49 ninth day of January, one thousand nine hundred eighty-
50 four, relating to the air pollution control commission
51 (permits for construction and modification of stationary
52 sources of air pollution for the prevention of significant
53 deterioration) (series XIV), are authorized.

54 (g) The legislative rules filed in the state register on the
55 thirtieth day of December, one thousand nine hundred
56 eighty-eight, modified by the air pollution control
57 commission to meet the objections of the legislative rule-
58 making review committee and refiled in the state register
59 on the twenty-third day of February, one thousand nine

60 hundred eighty-nine, relating to the air pollution control
61 commission (prevention and control of air pollution from
62 hazardous waste treatment, storage or disposal facili-
63 ties), are authorized.

64 (h) The legislative rules filed in the state register on the
65 thirtieth day of December, one thousand nine hundred
66 eighty-eight, modified by the air pollution control
67 commission to meet the objections of the legislative rule-
68 making review committee and refiled in the state register
69 on the twenty-third day of February, one thousand nine
70 hundred eighty-nine, relating to the air pollution control
71 commission (good engineering practice as applicable to
72 stack heights), are authorized.

73 (i) The legislative rules filed in the state register on the
74 thirtieth day of December, one thousand nine hundred
75 eighty-eight, modified by the air pollution control
76 commission to meet the objections of the legislative rule-
77 making review committee and refiled in the state register
78 on the twenty-third day of February, one thousand nine
79 hundred eighty-nine, relating to the air pollution control
80 commission (TP-2, compliance test procedures for
81 regulation 2 — to prevent and control particulate air
82 pollution from combustion of fuel in indirect heat
83 exchangers), are authorized.

84 (j) The legislative rules filed in the state register on the
85 sixth day of September, one thousand nine hundred
86 eighty-nine, modified by the air pollution control
87 commission to meet the objections of the legislative rule-
88 making review committee and refiled in the state register
89 on the tenth day of January, one thousand nine hundred
90 ninety, relating to the air pollution control commission
91 (ambient air quality standards for sulfur oxides and
92 particulate matter), are authorized.

93 (k) The legislative rules filed in the state register on the
94 sixth day of September, one thousand nine hundred
95 eighty-nine, modified by the air pollution control
96 commission to meet the objections of the legislative rule-
97 making review committee and refiled in the state register

98 on the tenth day of January, one thousand nine hundred
99 ninety, relating to the air pollution control commission
100 (prevention of air pollution emergency episodes), are
101 authorized.

102 (l) The legislative rules filed in the state register on the
103 sixth day of September, one thousand nine hundred
104 eighty-nine, modified by the air pollution control
105 commission to meet the objections of the legislative rule-
106 making review committee and refiled in the state register
107 on the tenth day of January, one thousand nine hundred
108 ninety, relating to the air pollution control commission
109 (permits for construction and major modification of
110 major stationary sources of air pollution for the
111 prevention of significant deterioration), are authorized.

112 (m) The legislative rules filed in the state register on
113 the sixth day of September, one thousand nine hundred
114 eighty-nine, relating to the air pollution control
115 commission (standards of performance for new station-
116 ary sources), are authorized.

117 (n) The legislative rules filed in the state register on the
118 sixth day of September, one thousand nine hundred
119 eighty-nine, relating to the air pollution control
120 commission (emission standards for hazardous air
121 pollutants), are authorized.

122 (o) The legislative rules filed in the state register on the
123 sixteenth day of October, one thousand nine hundred
124 eighty-nine, modified by the air pollution control
125 commission to meet the objections of the legislative rule-
126 making review committee and refiled in the state register
127 on the tenth day of January, one thousand nine hundred
128 ninety, relating to the air pollution control commission
129 (prevention and control of emissions of toxic air
130 pollutants), are authorized.

131 (p) The legislative rules filed in the state register on the
132 tenth day of August, one thousand nine hundred ninety,
133 relating to the air pollution control commission (preven-
134 tion and control of air pollution from the emission of

135 volatile organic compounds from bulk gasoline termi-
136 nals), are authorized.

137 (q) The legislative rules filed in the state register on the
138 thirteenth day of August, one thousand nine hundred
139 ninety, modified by the air pollution control commission
140 to meet the objections of the legislative rule-making
141 review committee and refiled in the state register on the
142 fifteenth day of November, one thousand nine hundred
143 ninety, relating to the air pollution control commission
144 (air quality management fee program), are authorized.

145 (r) The legislative rules filed in the state register on the
146 tenth day of August, one thousand nine hundred ninety,
147 relating to the air pollution control commission (preven-
148 tion and control of air pollution from the emission of
149 volatile organic compounds from the storage of
150 petroleum liquids in fixed roof tanks), are authorized.

151 (s) The legislative rules filed in the state register on the
152 tenth day of August, one thousand nine hundred ninety,
153 relating to the air pollution control commission (preven-
154 tion and control of air pollution from the emission of
155 volatile organic compounds from petroleum refinery
156 sources), are authorized.

157 (t) The legislative rules filed in the state register on the
158 eighteenth day of December, one thousand nine hundred
159 ninety-one, modified by the air pollution control
160 commission to meet the objections of the legislative rule-
161 making review committee and refiled in the state register
162 on the fifteenth day of December, one thousand nine
163 hundred ninety-two, relating to the air pollution control
164 commission (regulations to prevent and control air
165 pollution from the emission of volatile organic com-
166 pounds), are authorized with the amendments set forth
167 below:

168 On page 26, subsection §45-21-9.2, by striking all of
169 §45-21-9.2 and inserting in lieu thereof a new §45-21-
170 9.2, to read as follows:

171 "9.2 Registration. — Within thirty (30) days after May

172 31, 1993, all persons owning and/or operating a source
173 subject to this regulation and not previously registered
174 shall have registered such source(s) with the chief:
175 *Provided*, That on a case-by-case basis, the chief may
176 extend the 30-day period for the registration of sources
177 to allow sources up to one hundred eighty (180) days
178 after May 31, 1993 to register. The information required
179 for registration shall be determined and provided in the
180 manner specified by the chief. Registration forms shall
181 be requested from the chief by the owner or operator of
182 such source(s).”;

183 On page fifty-six, subsection §45-21-20.5a by striking
184 out all of line “a” and its equivalent column and
185 inserting in lieu thereof the words “a = Surface area
186 coated per day in terms of square meters divided by 100
187 or surface area coated per day in terms of square feet
188 divided by 1000.”;

189 And,

190 On page one hundred eighty-three, subsection §45-21-
191 40.2 after the words “control technology (RACT) in
192 section” by striking the numbers “2.57.” and inserting in
193 lieu thereof the numbers “2.60.”

194 (u) The legislative rules filed in the state register on the
195 eighteenth day of September, one thousand nine hundred
196 ninety-two, relating to the air pollution control
197 commission (confidential information), are authorized.

198 (v) The legislative rules filed in the state register on the
199 eighteenth day of September, one thousand nine hundred
200 ninety-two, relating to the air pollution control
201 commission (serious and minor violations of applicable
202 rules), are authorized.

203 (w) The legislative rules filed in the state register on
204 the thirty-first day of August, one thousand nine
205 hundred ninety-two, relating to the air pollution control
206 commission (permits for construction and major
207 modification of major stationary sources of air pollution
208 for the prevention of significant deterioration), are

209 authorized with the amendment set forth below:

210 On page fourteen, subsection §45.13.6.5 after the word
211 “[W]ithin” by striking the word “twelve (12)” and
212 inserting in lieu thereof the word “six (6)”.

213 (x) The legislative rules filed in the state register on the
214 twenty-eighth day of August, one thousand nine hundred
215 ninety-two, modified by the air pollution control
216 commission to meet the objections of the legislative rule-
217 making review committee and refiled in the state register
218 on the nineteenth day of February, one thousand nine
219 hundred ninety-three, relating to the air pollution
220 control commission (regulations to prevent and control
221 air pollution from the operation of coal preparation
222 plants and coal handling operations), are authorized.

223 (y) The legislative rules filed in the state register on the
224 thirty-first day of August, one thousand nine hundred
225 ninety-two, modified by the air pollution control
226 commission to meet the objections of the legislative rule-
227 making review committee and refiled in the state register
228 on the nineteenth day of February, one thousand nine
229 hundred ninety-three, relating to the air pollution
230 control commission (requirements for pre-construction
231 review, determination of emission offsets for proposed
232 new or modified stationary sources of air pollutants and
233 emission trading for intrasource pollutants), are
234 authorized with the amendment set forth below:

235 On page twenty-one, subsection §45.19.12.5 after the
236 word “[W]ithin” by striking the word “twelve (12)” and
237 inserting in lieu thereof the word “six (6)”.

238 (z) The legislative rules filed in the state register on the
239 twenty-eighth day of August, one thousand nine hundred
240 ninety-two, modified by the air pollution control
241 commission to meet the objections of the legislative rule-
242 making review committee and refiled in the state register
243 on the nineteenth day of February, one thousand nine
244 hundred ninety-three, relating to the air pollution
245 control commission (requiring the submission of

246 emission statements for volatile organic compound
247 emissions and oxides of nitrogen emissions), are
248 authorized with the amendments set forth below:

249 On page four, section 2.27. after the words "VOC or"
250 by striking out the words "100 tons per year or more of".

251 (aa) The legislative rules filed in the state register on
252 the thirteenth day of August, one thousand nine hundred
253 ninety-three, relating to the air pollution control
254 commission (emission standards for hazardous air
255 pollutants), are authorized.

256 (bb) The legislative rules filed in the state register on
257 the thirteenth day of August, one thousand nine hundred
258 ninety-three, modified by the air pollution control
259 commission to meet the objections of the legislative rule-
260 making review committee and refiled in the state register
261 on the twenty-first day of January, one thousand nine
262 hundred ninety-four, relating to the air pollution control
263 commission (to prevent and control air pollution from
264 the emission of sulfur oxides), are authorized.

265 (cc) The legislative rules filed in the state register on
266 the thirteenth day of August, one thousand nine hundred
267 ninety-three, relating to the air pollution control
268 commission (permits for construction, modification,
269 relocation and operation of stationary sources of air
270 pollutants, notification requirements, temporary
271 permits, general permits, and procedures for evaluation),
272 are authorized.

273 (dd) The legislative rules filed in the state register on
274 the seventh day of October, one thousand nine hundred
275 ninety-three, relating to the air pollution control
276 commission (to prevent and control particulate air
277 pollution from manufacturing process operations), are
278 authorized.

279 (ee) The legislative rules filed in the state register on
280 the thirteenth day of August, one thousand nine hundred
281 ninety-three, relating to the air pollution control
282 commission (standards of performance for new station-

283 ary sources), are authorized.

284 (ff) The legislative rules filed in the state register on
285 the thirteenth day of August, one thousand nine hundred
286 ninety-three, modified by the air pollution control
287 commission to meet the objections of the legislative rule-
288 making review committee and refiled in the state register
289 on the sixth day of January, one thousand nine hundred
290 ninety-four, relating to the air pollution control
291 commission (to prevent and control air pollution from
292 hazardous waste treatment, storage or disposal facili-
293 ties), are authorized.

294 (gg) The legislative rules filed in the state register on
295 the thirteenth day of August, one thousand nine hundred
296 ninety-three, relating to the air pollution control
297 commission (requirements for operating permits), are
298 authorized.

§64-3-2. Division of banking.

1 (a) The legislative rules filed in the state register on the
2 eleventh day of June, one thousand nine hundred eighty-
3 two, relating to commissioner of banking (communica-
4 tion terminals and interchange systems), are authorized.

5 (b) The legislative rules filed in the state register on the
6 fifteenth day of December, one thousand nine hundred
7 eighty-three, relating to the commissioner of banking
8 (consumer credit sales), are authorized.

9 (c) The legislative rules filed in the state register on the
10 nineteenth day of August, one thousand nine hundred
11 eighty-three, relating to the commissioner of banking
12 (legal lending limit), are authorized.

13 (d) The legislative rules filed in the state register on the
14 seventh day of November, one thousand nine hundred
15 eighty-six, modified by the commissioner of banking to
16 meet the objections of the legislative rule-making review
17 committee and refiled in the state register on the
18 eleventh day of December, one thousand nine hundred
19 eighty-six, relating to the commissioner of banking

20 (implementing the West Virginia community reinvest-
21 ment act), are authorized.

22 (e) The legislative rules filed in the state register on the
23 twenty-fifth day of October, one thousand nine hundred
24 eighty-eight, modified by the commissioner of banking
25 to meet the objections of the legislative rule-making
26 review committee and refiled in the state register on the
27 seventh day of December, one thousand nine hundred
28 eighty-eight, relating to the commissioner of banking
29 (subsidiary bank holding the stock of its parent company
30 as collateral), are authorized.

31 (f) The legislative rules filed in the state register on the
32 twelfth day of August, one thousand nine hundred
33 ninety-one, modified by the division of banking to meet
34 the objections of the legislative rule-making review
35 committee and refiled in the state register on the
36 fifteenth day of November, one thousand nine hundred
37 ninety-one, relating to the division of banking (West
38 Virginia consumer credit and protection act), are
39 authorized.

40 (g) The legislative rules filed in the state register on the
41 ninth day of August, one thousand nine hundred ninety-
42 one, modified by the division of banking to meet the
43 objections of the legislative rule-making review
44 committee and refiled in the state register on the
45 fifteenth day of November, one thousand nine hundred
46 ninety-one, relating to the division of banking (lease
47 financing transactions), are authorized.

48 (h) The legislative rules filed in the state register on the
49 ninth day of August, one thousand nine hundred ninety-
50 one, modified by the division of banking to meet the
51 objections of the legislative rule-making review
52 committee and refiled in the state register on the
53 fifteenth day of November, one thousand nine hundred
54 ninety-one, relating to the division of banking (operation
55 of state-chartered financial institutions in West
56 Virginia), are authorized.

57 (i) The legislative rules filed in the state register on the
58 twelfth day of August, one thousand nine hundred
59 ninety-one, modified by the division of banking to meet
60 the objections of the legislative rule-making review
61 committee and refiled in the state register on the
62 fifteenth day of November, one thousand nine hundred
63 ninety-one, relating to the division of banking (West
64 Virginia industrial bank and industrial loan company
65 act), are authorized.

66 (j) The legislative rules filed in the state register on the
67 twelfth day of August, one thousand nine hundred
68 ninety-one, modified by the division of banking to meet
69 the objections of the legislative rule-making review
70 committee and refiled in the state register on the
71 fifteenth day of November, one thousand nine hundred
72 ninety-one, relating to the division of banking (West
73 Virginia consumer credit and protection act and the
74 money and interest article of chapter forty-seven), are
75 authorized.

76 (k) The legislative rules filed in the state register on the
77 ninth day of August, one thousand nine hundred ninety-
78 one, modified by the division of banking to meet the
79 objections of the legislative rule-making review
80 committee and refiled in the state register on the
81 fifteenth day of November, one thousand nine hundred
82 ninety-one, relating to the division of banking (permissi-
83 ble additional charges in connection with a consumer
84 credit sale), are authorized.

85 (l) The legislative rules filed in the state register on the
86 twenty-sixth day of June, one thousand nine hundred
87 ninety-two, modified by the division of banking to meet
88 the objections of the legislative rule-making review
89 committee and refiled in the state register on the
90 seventeenth day of August, one thousand nine hundred
91 ninety-two, relating to the division of banking (general
92 rules implementing the West Virginia community
93 reinvestment act), are authorized.

94 (m) The legislative rules filed in the state register on

95 the sixteenth day of August, one thousand nine hundred
96 ninety-three, modified by the division of banking to meet
97 the objections of the legislative rule-making review
98 committee and refiled in the state register on the twenty-
99 first day of October, one thousand nine hundred ninety-
100 three, relating to the division of banking (acquisition of
101 property by financial institutions and valuation of real
102 estate owned by state-chartered banks), are authorized.

103 (n) The legislative rules filed in the state register on the
104 sixteenth day of August, one thousand nine hundred
105 ninety-three, modified by the division of banking to meet
106 the objections of the legislative rule-making review
107 committee and refiled in the state register on the
108 seventeenth day of November, one thousand nine
109 hundred ninety-three, relating to the division of banking
110 (notice and treatment of joint accounts), are authorized.

§64-3-7. Division of labor.

1 (a) The legislative rules filed in the state register on the
2 tenth day of May, one thousand nine hundred eighty-
3 two, relating to the commissioner of labor (steam boiler
4 rules) as modified by the legislative rule-making review
5 committee are authorized.

6 (b) The legislative rules filed in the state register on the
7 seventh day of December, one thousand nine hundred
8 eighty-three, relating to the department of labor
9 (hazardous chemical substances), are authorized.

10 (c) The legislative rules filed in the state register on the
11 second day of February, one thousand nine hundred
12 eighty-four, relating to the department of labor (poly-
13 graph examinations), are authorized.

14 (d) The legislative rules filed in the state register on the
15 twenty-second day of December, one thousand nine
16 hundred eighty-seven, relating to the commissioner of
17 labor (West Virginia occupational safety and health act),
18 are authorized.

19 (e) The legislative rules filed in the state register on the

20 twenty-second day of December, one thousand nine
21 hundred eighty-seven, modified by the commissioner of
22 labor to meet the objections of the legislative rule-
23 making review committee and refiled in the state register
24 on the twentieth day of January, one thousand nine
25 hundred eighty-eight, relating to the commissioner of
26 labor (wage payment and collection act), are authorized.

27 (f) The legislative rules filed in the state register on the
28 sixteenth day of November, one thousand nine hundred
29 eighty-seven, relating to the commissioner of the
30 department of labor (standards for weights and measures
31 inspectors—adoption of NBS Handbook 130, 1987), are
32 authorized.

33 (g) The legislative rules filed in the state register on the
34 twelfth day of January, one thousand nine hundred
35 eighty-eight, relating to the commissioner of labor
36 (steam boiler inspection fee schedule), are authorized.

37 (h) The legislative rules filed in the state register on the
38 thirteenth day of September, one thousand nine hundred
39 eighty-eight, modified by the department of labor to
40 meet the objections of the legislative rule-making review
41 committee and refiled in the state register on the seventh
42 day of December, one thousand nine hundred eighty-
43 eight, relating to the department of labor (amusement
44 rides and amusement attractions safety act), are
45 authorized.

46 (i) The legislative rules filed in the state register on the
47 sixteenth day of June, one thousand nine hundred
48 eighty-nine, modified by the department of labor to meet
49 the objections of the legislative rule-making review
50 committee and refiled in the state register on the first
51 day of August, one thousand nine hundred eighty-nine,
52 relating to the department of labor (wage payment and
53 collection act), are authorized.

54 (j) The legislative rules filed in the state register on the
55 eleventh day of August, one thousand nine hundred
56 ninety-three, modified by the division of labor to meet

57 the objections of the legislative rule-making review
58 committee and refiled in the state register on the eighth
59 day of October, one thousand nine hundred ninety-three,
60 relating to the division of labor (elevator safety act), are
61 authorized.

§64-3-8. Division of natural resources.

1 (a) The legislative rules filed in the state register on the
2 eighth day of December, one thousand nine hundred
3 eighty-three, relating to the department of natural
4 resources (surface mining), are authorized with the
5 amendments set forth below:

6 On page 3-4, §3E.01 by adding after the word
7 “engineer” the words “or licensed land surveyor.”;

8 On page 3-5, §3E.02, subsection (a), by adding after the
9 word “mining” the words “or civil.”;

10 And,

11 On page 3-5, §3E.02, subsection (b), by adding after the
12 first sentence — “Those persons who have been approved
13 to date need not make said demonstration.”

14 (b) The legislative rules filed in the state register on the
15 twentieth day of January, one thousand nine hundred
16 eighty-four, relating to the department of natural
17 resources (solid waste management), are authorized with
18 the amendments set forth below:

19 On page 9, section 4.04, line five, add the following
20 paragraph:

21 “Upon request of any applicant, the division shall meet
22 with the applicant for prefiling review of the application.
23 The division, with the cooperation of the solid waste
24 authority, shall assist the applicant in preparing a
25 complete and proper application which would not be
26 rejected as incomplete.”;

27 And,

28 On page 15, section 6.03(c)(1) in the first full sentence,

29 after the word "cease", strike the remainder of the
30 sentence and insert in lieu thereof the words "within
31 fifteen (15) days of receipt of an order of suspension"
32 and in the second sentence strike the word "recom-
33 mence" and insert the words "continue beyond fifteen
34 (15) days"; (c)(2) in the first full sentence, after the word
35 "cease" by striking out the remainder of the sentence
36 and insert in lieu thereof the words "immediately upon
37 receipt of an order of revocation."

38 (c) The legislative rules filed in the state register on the
39 twenty-sixth day of September, one thousand nine
40 hundred eighty-four, relating to the department of
41 natural resources (public use of state parks, forests,
42 hunting and fishing areas), are authorized.

43 (d) The legislative rules filed in the state register on the
44 seventh day of November, one thousand nine hundred
45 eighty-four, relating to the department of natural
46 resources (surface mining reclamation), are authorized.

47 (e) The legislative rules filed in the state register on the
48 seventh day of November, one thousand nine hundred
49 eighty-four, relating to the department of natural
50 resources (coal refuse disposal), are authorized.

51 (f) The legislative rules filed in the state register on the
52 ninth day of November, one thousand nine hundred
53 eighty-four, relating to the department of natural
54 resources (transfer of the state national pollutant
55 discharge elimination system program), are authorized
56 with the amendment set forth below:

57 On page 10-5, by striking §10B.19 and inserting in lieu
58 thereof a new §10B.19, to read as follows: "Effluent
59 limitations guidelines' means a regulation published by
60 the Administrator under Section 304(b) or Section
61 301(b)(1)(B) of the CWA to adopt or revise effluent
62 limitations or levels of effluent quality attainable
63 through the application of secondary or equivalent
64 treatment. For the coal industry these regulations are
65 published at 40 C.F.R. Parts 434 and 133. (See:

66 Appendix G and H).”

67 (g) The legislative rules filed in the state register on the
68 twenty-eighth day of August, one thousand nine hundred
69 eighty-four, relating to the department of natural
70 resources (small arms hunting), are authorized.

71 (h) The legislative rules filed in the state register on the
72 sixth day of January, one thousand nine hundred eighty-
73 four, relating to the department of natural resources
74 (hazardous waste management), are authorized.

75 (i) The legislative rules filed in the state register on the
76 third day of December, one thousand nine hundred
77 eighty-four, modified by the department of natural
78 resources to meet the objections of the legislative rule-
79 making review committee and refiled in the state register
80 on the thirteenth day of February, one thousand nine
81 hundred eighty-five, relating to the department of
82 natural resources (hazardous waste management), are
83 authorized.

84 (j) The legislative rules filed in the state register on the
85 tenth day of October, one thousand nine hundred eighty-
86 five, relating to the department of natural resources
87 (hazardous waste management: Small quantity genera-
88 tors and waste minimization certification), are autho-
89 rized with the amendment set forth below:

90 On page 1, §3.1.4b, delete the word “or” in the
91 reference to “paragraph (g) or (j)” and insert in lieu
92 thereof the words “and, if applicable.”

93 (k) The legislative rules filed in the state register on the
94 ninth day of September, one thousand nine hundred
95 eighty-five, relating to the department of natural
96 resources (WV/NPDES regulations for the coal mining
97 point source category and related sewage facilities), are
98 authorized.

99 (l) The legislative rules filed in the state register on the
100 eleventh day of December, one thousand nine hundred
101 eighty-five, modified by the department of natural

102 resources to meet the objections of the legislative rule-
103 making review committee and refiled in the state register
104 on the twentieth day of February, one thousand nine
105 hundred eighty-six, relating to the department of natural
106 resources (hazardous waste management), are autho-
107 rized.

108 (m) The legislative rules filed in the state register on
109 the twenty-sixth day of September, one thousand nine
110 hundred eighty-six, modified by the department of
111 natural resources to meet the objections of the legislative
112 rule-making review committee and refiled in the state
113 register on the ninth day of December, one thousand
114 nine hundred eighty-six, relating to the department of
115 natural resources (hazardous waste management
116 regulations), are authorized.

117 (n) The legislative rules filed in the state register on the
118 seventh day of August, one thousand nine hundred
119 eighty-six, relating to the director of the department of
120 natural resources (procedures for transporting and
121 dealing in furbearing animals), are authorized.

122 (o) The legislative rules filed in the state register on the
123 thirtieth day of December, one thousand nine hundred
124 eighty-six, relating to the department of natural
125 resources (WV/NPDES program for coal mines and
126 preparation plants, and the refuse and waste therefrom),
127 are authorized with the amendments set forth below:

128 On page four, §1.9.1.a by inserting the words “five
129 thousand dollars or” after the words “‘significant
130 portion of income’ means.”;

131 And,

132 On page four, §1.9.1.a by inserting the words
133 “whichever is less,” after the words “ten percent or more
134 of gross personal income for a calendar year.”

135 (p) The legislative rules filed in the state register on the
136 fifth day of March, one thousand nine hundred eighty-
137 six, relating to the department of natural resources

138 (hazardous waste management), are authorized.

139 (q) The legislative rules filed in the state register on the
140 twelfth day of August, one thousand nine hundred
141 eighty-seven, relating to the department of natural
142 resources (WV/NPDES regulations for coal mining
143 facilities), are authorized.

144 (r) The legislative rules filed in the state register on the
145 tenth day of June, one thousand nine hundred eighty-
146 seven, relating to the director of the department of
147 natural resources (outfitters and guides), are authorized.

148 (s) The legislative rules filed in the state register on the
149 ninth day of January, one thousand nine hundred eighty-
150 seven, relating to the department of natural resources
151 (hazardous waste management regulations), are
152 authorized.

153 (t) The legislative rules filed in the state register on the
154 fifth day of March, one thousand nine hundred eighty-
155 seven, relating to the department of natural resources
156 (hazardous waste management regulations, series 35),
157 are authorized.

158 (u) The legislative rules filed in the state register on the
159 seventh day of December, one thousand nine hundred
160 eighty-seven, relating to the department of natural
161 resources (hazardous waste management regulations,
162 series 35), are authorized.

163 (v) The legislative rules filed in the state register on the
164 sixteenth day of December, one thousand nine hundred
165 eighty-seven, modified by the department of natural
166 resources to meet the objections of the legislative rule-
167 making review committee and refiled in the state register
168 on the fourteenth day of January, one thousand nine
169 hundred eighty-eight, relating to the department of
170 natural resources (solid waste management), are
171 authorized.

172 (w) The legislative rules filed in the state register on
173 the twenty-eighth day of July, one thousand nine

174 hundred eighty-seven, modified by the director of the
175 department of natural resources to meet the objections
176 of the legislative rule-making review committee and
177 refiled in the state register on the seventh day of August,
178 one thousand nine hundred eighty-seven, relating to the
179 director of the department of natural resources (boating
180 regulations), are authorized with the amendment set
181 forth below:

182 On page 16, section 6.2, line 3 by inserting following
183 the period "This regulation does not apply to licensed
184 outfitters and guides." These rules were proposed by the
185 director of the department of natural resources pursuant
186 to section seven, article one and section twenty-two,
187 article seven, chapter twenty of this code.

188 (x) The legislative rules filed in the state register on the
189 second day of September, one thousand nine hundred
190 eighty-eight, modified by the department of natural
191 resources to meet the objections of the legislative rule-
192 making review committee and refiled in the state register
193 on the seventeenth day of October, one thousand nine
194 hundred eighty-eight, relating to the department of
195 natural resources (hazardous waste management), are
196 authorized.

197 (y) The legislative rules filed in the state register on the
198 thirty-first day of August, one thousand nine hundred
199 eighty-eight, relating to the director of the department
200 of natural resources (boating), are authorized.

201 (z) The legislative rules filed in the state register on the
202 eighth day of March, one thousand nine hundred eighty-
203 eight, modified by the director of the department of
204 natural resources to meet the objections of the legislative
205 rule-making review committee and refiled in the state
206 register on the thirtieth day of August, one thousand
207 nine hundred eighty-eight, relating to the director of the
208 department of natural resources (commercial sale of
209 wildlife), are authorized.

210 (aa) The legislative rules filed in the state register on

211 the twenty-seventh day of January, one thousand nine
212 hundred eighty-eight, relating to the director of the
213 department of natural resources (catching and selling
214 bait fish), are authorized.

215 (bb) The legislative rules filed in the state register on
216 the twenty-fifth day of March, one thousand nine
217 hundred eighty-eight, relating to the director of the
218 department of natural resources (West Virginia public
219 hunting and fishing areas), are authorized with the
220 following amendment:

221 On page three, section 3.8.4, by inserting after the word
222 "vehicle" the following: ", all terrain vehicle (ATV)."

223 (cc) The legislative rules filed in the state register on
224 the seventeenth day of March, one thousand nine
225 hundred eighty-nine, modified by the division of natural
226 resources to meet the objections of the legislative rule-
227 making review committee and refiled in the state register
228 on the sixteenth day of January, one thousand nine
229 hundred ninety, relating to the division of natural
230 resources (solid waste management), are authorized with
231 the amendments set forth below:

232 On page 13, Section 3.2.6, by deleting the current
233 language and inserting in lieu thereof the following:

234 "3.2.6. Within two hundred (200) feet of faults that
235 have had displacement in Holocene time (i.e., during the
236 last eleven thousand years)";

237 On page 64, Section 3.14.25, by deleting the current
238 language and inserting in lieu thereof the following
239 language:

240 "3.14.25. Environmental Compliance History. The chief
241 or the director may refuse to grant any permit if he has
242 reasonable cause to believe, as indicated by documented
243 evidence, that the applicant, or any officer, director or
244 manager, thereof, or shareholder owning twenty percent
245 (20%) or more of its capital stock, beneficial or other-
246 wise, or other person conducting or managing the affairs

247 of the applicant or of the proposed permitted premises,
248 in whole or part, has exhibited a pattern of violation of
249 the environmental statutes or regulations of this State,
250 any other state, or the federal government.”;

251 On page 104, section 4.5.4.a, by inserting after the
252 words “at that landfill” the following:

253 “Nothing within these regulations shall be construed
254 to allow the installations of any liner or system on areas
255 not lined as of November 30, 1989, that is not in
256 conformance with section 4.5.4.a.E or 4.5.4.a.G of these
257 regulations. Landfills that do have an article 5f permit
258 and a liner installed as of November 30, 1989, may install
259 a liner as approved by the chief.”;

260 And,

261 On pages 147 through 151, sections 4.11.5 and 4.11.6,
262 by deleting the current language and inserting in lieu
263 thereof the following:

264 “4.11.5. Corrective Action Program.

265 Whenever a statistically significant increase is found
266 in a Phase II or Phase III monitoring parameter, or when
267 groundwater contamination is otherwise identified by
268 the Chief at sites without monitoring programs, which is
269 determined by the Chief to have resulted in a significant
270 adverse effect on an aquifer, and which is attributable to
271 a solid waste facility, the Chief may require appropriate
272 corrective or remedial action pursuant to W. Va. Code
273 Chapter 20, article 5A, and Chapter 20, article 5F to
274 abate, remediate or correct such pollution. Any such
275 corrective or remedial action order shall take into
276 account any applicable groundwater quality protection
277 standards, the existing use of such waters, the reason-
278 able uses of such waters, background water quality, and
279 the protection of human health and the environment.”

280 (dd) The legislative rules filed in the state register on
281 the seventeenth day of February, one thousand nine
282 hundred eighty-nine, relating to the director of the

283 department of natural resources (underground storage
284 tanks), are authorized.

285 (ee) The legislative rules filed in the state register on
286 the twenty-seventh day of January, one thousand nine
287 hundred eighty-nine, relating to the director of the
288 department of natural resources (transporting and
289 selling wildlife pelts), are authorized.

290 (ff) The legislative rules filed in the state register on
291 the seventeenth day of February, one thousand nine
292 hundred eighty-nine, modified by the director of the
293 department of natural resources to meet the objections
294 of the legislative rule-making review committee and
295 refiled in the state register on the ninth day of August,
296 one thousand nine hundred eighty-nine, relating to the
297 director of the department of natural resources (under-
298 ground storage tank fee assessments), are authorized.

299 (gg) The legislative rules filed in the state register on
300 the twenty-fourth day of April, one thousand nine
301 hundred eighty-nine, modified by the director of the
302 department of natural resources to meet the objections
303 of the legislative rule-making review committee and
304 refiled in the state register on the twenty-second day of
305 May, one thousand nine hundred eighty-nine, relating to
306 the director of the department of natural resources
307 (public hunting and fishing areas), are authorized.

308 (hh) The legislative rules filed in the state register on
309 the first day of December, one thousand nine hundred
310 eighty-nine, relating to the department of natural
311 resources (water pollution control permit fee schedules),
312 are authorized with the amendments set forth below:

313 On page five, section 3.3, by deleting the following:
314 "Submitted fees are not refundable.";

315 On page two, after section 2.6, by inserting the
316 following:

317 "Customer" means any person that purchases waste
318 disposal services from a facility permitted under article

319 five-a, chapter twenty of the code of West Virginia, one
 320 thousand nine hundred thirty-one, as amended. For the
 321 purposes of these regulations, commercial and other
 322 non-single family dwelling customers shall be translated
 323 into customer equivalents by dividing the total daily
 324 estimated volume of waste water by three hundred and
 325 fifty gallons per day.” and renumbering the remaining
 326 subsections.;

327 On page nine, section 7.2, by striking out the words
 328 “seven hundred fifty dollars (\$750).” and inserting in
 329 lieu thereof the following:

330 “determined using Table D, but in no case shall be less
 331 than two hundred fifty dollars (\$250).”;

332 And,

333 On page thirteen, by striking out all of Table D,
 334 Schedule of Annual Permit Fees, and inserting in lieu
 335 thereof a new Table D, designated “Schedule of Annual
 336 Permit Fees”, to read as follows:

337 “TABLE D

338 SCHEDULE OF ANNUAL PERMIT FEES

339 SEWAGE FACILITIES

340	Number of Customers	Annual Permit Fee
341	less than 1000	\$ 250
342	1000 to 1499	\$ 500
343	1500 to 1999	\$ 750
344	2000 to 2499	\$ 1000
345	2500 to 2999	\$ 1250
346	3000 to 3499	\$ 1500
347	3500 to 3999	\$ 1750
348	4000 to 4499	\$ 2000
349	4500 to 4999	\$ 2250
350	greater than 5000	\$ 2500

351 INDUSTRIAL OR OTHER WASTE FACILITIES

352	Average Discharge Volume	Annual Permit Fee
-----	--------------------------	-------------------

353	(gallons per day)	
354	less than 1,000	\$ 50
355	1,001 to 10,000	\$ 500
356	10,001 to 50,000	\$ 1000
357	greater than 50,000	\$ 2500”

358 (ii) The legislative rules filed in the state register on the
 359 twenty-fifth day of July, one thousand nine hundred
 360 eighty-nine, modified by the director of the department
 361 of natural resources to meet the objections of the
 362 legislative rule-making review committee and refiled in
 363 the state register on the fifteenth day of September, one
 364 thousand nine hundred eighty-nine, relating to the
 365 director of the department of natural resources (revoca-
 366 tion of hunting and fishing licenses), are authorized.

367 (jj) The legislative rules filed in the state register on the
 368 twentieth day of December, one thousand nine hundred
 369 eighty-nine, modified by the division of natural
 370 resources to meet the objections of the legislative rule-
 371 making review committee and refiled in the state register
 372 on the twenty-fourth day of January, one thousand nine
 373 hundred ninety, relating to the division of natural
 374 resources (state water pollution control revolving fund
 375 program), are authorized.

376 (kk) The legislative rules filed in the state register on
 377 the twenty-ninth day of March, one thousand nine
 378 hundred ninety, modified by the division of natural
 379 resources to meet the objections of the legislative rule-
 380 making review committee and refiled in the state register
 381 on the thirtieth day of August, one thousand nine
 382 hundred ninety, relating to the division of natural
 383 resources (assessment of civil administrative penalties),
 384 are authorized.

385 (ll) The legislative rules filed in the state register on the
 386 sixth day of August, one thousand nine hundred ninety,
 387 relating to the division of natural resources (water
 388 pollution control permit fee schedules), are authorized.

389 (mm) The legislative rules filed in the state register on

390 the fifteenth day of June, one thousand nine hundred
391 ninety, modified by the division of natural resources to
392 meet the objections of the legislative rule-making review
393 committee and refiled in the state register on the twenty-
394 second day of August, one thousand nine hundred ninety,
395 relating to the division of natural resources (under-
396 ground storage tank insurance trust fund), are autho-
397 rized with the amendment set forth below:

398 On page four, after subsection 5.1, by inserting a new
399 subdivision 5.1.1 to read as follows:

400 "5.1.1 The fee shall be one hundred dollars per tank
401 per year (\$100/tank/year) for a period of not less than
402 one (1) year and not more than three (3) years. Second
403 and third year capitalization fees may be levied if there
404 is an inadequate surplus of funds, as determined by the
405 Board of Risk and Insurance Management, the Division
406 of Natural Resources and the Underground Storage Tank
407 Advisory Committee pursuant to W. Va. Code, §20-5H-
408 7."

409 (nn) The legislative rules filed in the state register on
410 the thirteenth day of August, one thousand nine hundred
411 ninety, modified by the division of natural resources to
412 meet the objections of the legislative rule-making review
413 committee and refiled in the state register on the second
414 day of October, one thousand nine hundred ninety,
415 relating to the division of natural resources (under-
416 ground storage tanks), are authorized with the amend-
417 ment set forth below:

418 On page four, section five, subsection 5.1, after the
419 word "requirements" by striking out the remainder of
420 the subsection and inserting in lieu thereof, the follow-
421 ing:

422 "of Title 47, Series 37 (Underground Storage Tank Fee
423 Assessments); Title 47, Series 36, Section 4 (Notification
424 Requirements); and Title 47, Series 37A, Section 5
425 (Capitalization Fees) of the Code of State Regulations
426 and the owner or operator presents proof of the

427 certification to the carrier.”

428 (oo) The legislative rules filed in the state register on
429 the thirteenth day of August, one thousand nine hundred
430 ninety, relating to the division of natural resources (dam
431 safety), are authorized.

432 (pp) The legislative rules filed in the state register on
433 the thirteenth day of August, one thousand nine hundred
434 ninety, modified by the division of natural resources to
435 meet the objections of the legislative rule-making review
436 committee and refiled in the state register on the twenty-
437 eighth day of November, one thousand nine hundred
438 ninety, relating to the division of natural resources
439 (hazardous waste management), are authorized.

440 (qq) The legislative rules filed in the state register on
441 the first day of July, one thousand nine hundred ninety-
442 one, modified by the division of natural resources to
443 meet the objections of the legislative rule-making review
444 committee and refiled in the state register on the
445 nineteenth day of September, one thousand nine
446 hundred ninety-one, relating to the division of natural
447 resources (special motorboating regulations), are
448 authorized.

449 (rr) The legislative rules filed in the state register on
450 the first day of May, one thousand nine hundred ninety-
451 one, modified by the division of natural resources to
452 meet the objections of the legislative rule-making review
453 committee and refiled in the state register on the twenty-
454 second day of July, one thousand nine hundred ninety-
455 one, relating to the division of natural resources (special
456 fishing regulations), are authorized with the amendment
457 set forth below:

458 On page one, by striking out subsection 2.1 and
459 inserting in lieu thereof, a new subsection 2.1, to read as
460 follows:

461 “2.1 “Daylight hours” means the time period between
462 sixty minutes before sunrise and sixty minutes after
463 sunset.”

464 (ss) The legislative rules filed in the state register on
465 the first day of July, one thousand nine hundred ninety-
466 one, modified by the division of natural resources to
467 meet the objections of the legislative rule-making review
468 committee and refiled in the state register on the twenty-
469 first day of November, one thousand nine hundred
470 ninety-one, relating to the division of natural resources
471 (boating regulations), are authorized.

472 (tt) The Legislature hereby authorizes and directs the
473 division of natural resources to promulgate the legisla-
474 tive rule relating to water pollution control permit fee
475 schedules, 47 CSR 26, effective the twenty-second day of
476 April, one thousand nine hundred ninety-one, with the
477 amendment set forth below:

478 On page eight, subdivision 7.4.1, at the end of the
479 subdivision by striking the period and adding the
480 following:

481 “: *Provided*, That if the chief determines that a facility
482 is in substantial compliance with its existing permit, the
483 fee is one thousand two hundred fifty dollars
484 (\$1,250.00).”

485 (uu) The Legislature hereby authorizes and directs the
486 division of natural resources to amend its rules relating
487 to water pollution control permit fee schedules which
488 were filed in the code of state regulations (47 CSR 26) on
489 the thirteenth day of April, one thousand nine hundred
490 ninety-two, with the following amendments set forth
491 below:

492 On page nine, after section 7.5, by inserting the
493 following:

494 “7.6. Facilities Discharging Stormwater. The annual
495 permit fee for a facility that discharges stormwater only
496 shall be determined through the use of Table F of these
497 regulations.

498 7.7. Aquaculture facilities. The annual permit fees for
499 aquaculture facilities that are subject to the provisions

500 of the water pollution control regulations shall be
501 determined by Table G of these regulations.”;

502 And after Table E, on page ten, by inserting Table F,
503 designated “Schedule of Annual Permit Fees For
504 Facilities Discharging Stormwater,” and inserting Table
505 G, designated “Schedule of Annual Permit Fees For
506 Aquaculture Facilities” to read as follows:

507 “TABLE F

508 SCHEDULE OF ANNUAL PERMIT FEES FOR
509 FACILITIES DISCHARGING
510 STORMWATER

511	Average Discharge Volume	
512	(gallons per day)	Annual Permit Fee
513	less than 5,001	\$ 50
514	5,001 to 15,000	\$ 125
515	15,001 to 50,000	\$ 250
516	50,001 to 100,000	\$ 500
517	greater than 100,000	\$ 750”;

518 And,

519 “TABLE G

520 SCHEDULE OF ANNUAL PERMIT FEES FOR
521 AQUACULTURE FACILITIES

522	# Feed/Month	Annual Fee	Application Fee
523			(Initial and
524			Reissuance)
525	5,000 to 9,999	\$ 250	\$ 250
526	10,000 to 14,999	\$ 500	\$ 250
527	15,000 to 19,999	\$ 750	\$ 250
528	20,000 to 24,999	\$1,000	\$ 250
529	25,000 to 29,999	\$1,250	\$ 250
530	greater than 30,000	\$1,750	\$ 250”

531 (vv) The legislative rules filed in the state register on
532 the seventeenth day of September, one thousand nine

533 hundred ninety-two, modified by the division of natural
534 resources to meet the objections of the legislative rule-
535 making review committee and refiled in the state register
536 on the sixteenth day of December, one thousand nine
537 hundred ninety-two, relating to the division of natural
538 resources (commercial sale of wildlife), are authorized.

539 (ww) The legislative rules filed in the state register on
540 the ninth day of September, one thousand nine hundred
541 ninety-two, modified by the division of natural resources
542 to meet the objections of the legislative rule-making
543 review committee and refiled in the state register on the
544 seventh day of December, one thousand nine hundred
545 ninety-two, relating to the division of natural resources
546 (deer hunting), are authorized.

547 (xx) The legislative rules filed in the state register on
548 the ninth day of September, one thousand nine hundred
549 ninety-two, modified by the division of natural resources
550 to meet the objections of the legislative rule-making
551 review committee and refiled in the state register on the
552 seventh day of December, one thousand nine hundred
553 ninety-two, relating to the division of natural resources
554 (defining the terms to be used concerning all hunting and
555 trapping regulations), are authorized.

556 (yy) The legislative rules filed in the state register on
557 the ninth day of September, one thousand nine hundred
558 ninety-two, modified by the division of natural resources
559 to meet the objections of the legislative rule-making
560 review committee and refiled in the state register on the
561 seventh day of December, one thousand nine hundred
562 ninety-two, relating to the division of natural resources
563 (dog training), are authorized.

564 (zz) The legislative rules filed in the state register on
565 the ninth day of September, one thousand nine hundred
566 ninety-two, modified by the division of natural resources
567 to meet the objections of the legislative rule-making
568 review committee and refiled in the state register on the
569 seventh day of December, one thousand nine hundred
570 ninety-two, relating to the division of natural resources

571 (general hunting regulations), are authorized.

572 (aaa) The legislative rules filed in the state register on
573 the ninth day of September, one thousand nine hundred
574 ninety-two, modified by the division of natural resources
575 to meet the objections of the legislative rule-making
576 review committee and refiled in the state register on the
577 seventh day of December, one thousand nine hundred
578 ninety-two, relating to the division of natural resources
579 (general trapping regulations), are authorized.

580 (bbb) The legislative rules filed in the state register on
581 the ninth day of September, one thousand nine hundred
582 ninety-two, modified by the division of natural resources
583 to meet the objections of the legislative rule-making
584 review committee and refiled in the state register on the
585 seventh day of December, one thousand nine hundred
586 ninety-two, relating to the division of natural resources
587 (special migratory bird hunting regulations), are
588 authorized.

589 (ccc) The legislative rules filed in the state register on
590 the ninth day of September, one thousand nine hundred
591 ninety-two, modified by the division of natural resources
592 to meet the objections of the legislative rule-making
593 review committee and refiled in the state register on the
594 seventh day of December, one thousand nine hundred
595 ninety-two, relating to the division of natural resources
596 (prohibitions when hunting and trapping), are autho-
597 rized with the amendment set forth below:

598 On page two, subsection 3.9., by striking out the words
599 "No person may use portable tree stands on public
600 lands" and inserting in lieu thereof the words "No
601 person may use tree stands, except for portable tree
602 stands, on public lands."

603 (ddd) The legislative rules filed in the state register on
604 the twenty-first day of April, one thousand nine hundred
605 ninety-two, modified by the division of natural resources
606 to meet the objections of the legislative rule-making
607 review committee and refiled in the state register on the

608 sixteenth day of December, one thousand nine hundred
609 ninety-two, relating to the division of natural resources
610 (revocation of hunting and fishing licenses), are
611 authorized with the amendments set forth below:

612 On page two, subsection 4.1., by striking out the word
613 "court" and inserting in lieu thereof the word "commis-
614 sion";

615 And,

616 On page two, subdivision 4.1.1, by striking out the
617 word "court" and inserting in lieu thereof the word
618 "commission".

619 (eee) The legislative rules filed in the state register on
620 the ninth day of September, one thousand nine hundred
621 ninety-two, modified by the division of natural resources
622 to meet the objections of the legislative rule-making
623 review committee and refiled in the state register on the
624 seventh day of December, one thousand nine hundred
625 ninety-two, relating to the division of natural resources
626 (special bear hunting regulations), are authorized.

627 (fff) The legislative rules filed in the state register on
628 the seventeenth day of September, one thousand nine
629 hundred ninety-two, modified by the division of natural
630 resources to meet the objections of the legislative rule-
631 making review committee and refiled in the state register
632 on the sixteenth day of December, one thousand nine
633 hundred ninety-two, relating to the division of natural
634 resources (special requirements concerning boating), are
635 authorized with the following amendment set forth
636 below:

637 On page one, after subdivision 3.1, by inserting a new
638 subdivision, designated 3.2, to read as follows:

639 3.2. The Pipestem Creek Cove portion of Bluestone
640 Lake in Bluestone State Park is designated for marina
641 use only and is restricted from fishing and other
642 recreational use not directly related to use as a marina.

643 (ggg) The legislative rules filed in the state register on

644 the ninth day of September, one thousand nine hundred
645 ninety-two, modified by the division of natural resources
646 to meet the objections of the legislative rule-making
647 review committee and refiled in the state register on the
648 seventh day of December, one thousand nine hundred
649 ninety-two, relating to the division of natural resources
650 (special waterfowl hunting regulations), are authorized.

651 (hhh) The legislative rules filed in the state register on
652 the ninth day of September, one thousand nine hundred
653 ninety-two, modified by the division of natural resources
654 to meet the objections of the legislative rule-making
655 review committee and refiled in the state register on the
656 seventh day of December, one thousand nine hundred
657 ninety-two, relating to the division of natural resources
658 (wild boar hunting), are authorized.

659 (iii) The legislative rules filed in the state register on
660 the ninth day of September, one thousand nine hundred
661 ninety-two, modified by the division of natural resources
662 to meet the objections of the legislative rule-making
663 review committee and refiled in the state register on the
664 seventh day of December, one thousand nine hundred
665 ninety-two, relating to the division of natural resources
666 (wild turkey hunting), are authorized.

667 (jjj) The legislative rules filed in the state register on
668 the tenth day of September, one thousand nine hundred
669 ninety-two, modified by the division of natural resources
670 to meet the objections of the legislative rule-making
671 review committee and refiled in the state register on the
672 eighth day of December, one thousand nine hundred
673 ninety-two, relating to the division of natural resources
674 (West Virginia wildlife management areas), are autho-
675 rized.

676 (kkk) The legislative rules filed in the state register on
677 the seventeenth day of September, one thousand nine
678 hundred ninety-two, modified by the division of natural
679 resources to meet the objections of the legislative rule-
680 making review committee and refiled in the state register
681 on the twenty-fifth day of January, one thousand nine

682 hundred ninety-three, relating to the division of natural
683 resources (recycling assistance fund grant program), are
684 authorized.

685 (III) The legislative rules filed in the state register on
686 the seventeenth day of August, one thousand nine
687 hundred ninety-three, relating to the division of natural
688 resources (prohibitions when hunting and trapping), are
689 authorized with the amendment set forth below:

690 On page two, by striking out sections 3.12 in its
691 entirety.

692 (mmm) The legislative rules filed in the state register
693 on the seventeenth day of August, one thousand nine
694 hundred ninety-three, modified by the division of
695 natural resources to meet the objections of the legislative
696 rule-making review committee and refiled in the state
697 register on the ninth day of November, one thousand
698 nine hundred ninety-three, relating to the division of
699 natural resources (special fishing), are authorized with
700 the amendment set forth below:

701 On page 4, after 4.1.4 by adding two new subsections
702 to read as follows:

703 "4.1.5. Raleigh County Airport—A .5 acre pond at the
704 entrance to Raleigh County Airport.

705 4.1.6 Woodbine Area of Cranberry River—A 300 yard
706 long section of Cranberry River at the Woodbine
707 Recreation Area in Nicholas County."

708 (nnn) The legislative rules filed in the state register on
709 the twenty-fourth day of January, one thousand nine
710 hundred ninety-four, relating to the division of natural
711 resources (commercial whitewater commission) are
712 authorized, with the amendments set forth below:

713 On page six, subsections 6.1 and 6.2, by striking out the
714 word "unduly" and inserting in lieu thereof the word
715 "unreasonably";

716 And,

717 On page seven, subsection 7.2, by striking out the word
718 “unduly” and inserting in lieu thereof the word
719 “unreasonably”.

§64-3-17. Division of environmental protection.

1 (a) The legislative rules filed in the state register on the
2 eleventh day of October, one thousand nine hundred
3 ninety-one, modified by the division of environmental
4 protection to meet the objections of the legislative rule-
5 making review committee and refiled in the state register
6 on the ninth day of November, one thousand nine
7 hundred ninety-two, relating to the division of environ-
8 mental protection (operator’s designation of bona fide
9 future use of oil and gas wells - qualification for inactive
10 status), are authorized.

11 (b) The legislative rules filed in the state register on the
12 third day of September, one thousand nine hundred
13 ninety-two, modified by the division of environmental
14 protection to meet the objections of the legislative rule-
15 making review committee and refiled in the state register
16 on the nineteenth day of February, one thousand nine
17 hundred ninety-three, relating to the division of
18 environmental protection (oil and gas wells and other
19 wells), are authorized.

20 (c) The legislative rules filed in the state register on the
21 third day of September, one thousand nine hundred
22 ninety-two, modified by the division of environmental
23 protection to meet the objections of the legislative rule-
24 making review committee and refiled in the state register
25 on the nineteenth day of February, one thousand nine
26 hundred ninety-three, relating to the division of
27 environmental protection (abandoned wells), are
28 authorized.

29 (d) The legislative rules filed in the state register on the
30 eighteenth day of September, one thousand nine hundred
31 ninety-two, modified by the division of environmental
32 protection to meet the objections of the legislative rule-
33 making review committee and refiled in the state register

34 on the nineteenth day of February, one thousand nine
35 hundred ninety-three, relating to the division of
36 environmental protection (underground storage tank
37 assessment fees), are authorized.

38 (e) The legislative rules filed in the state register on the
39 eighteenth day of September, one thousand nine hundred
40 ninety-two, relating to the division of environmental
41 protection (underground storage tanks), are authorized.

42 (f) The legislative rules filed in the state register on the
43 eighteenth day of September, one thousand nine hundred
44 ninety-two, modified by the division of environmental
45 protection to meet the objections of the legislative rule-
46 making review committee and refiled in the state register
47 on the nineteenth day of February, one thousand nine
48 hundred ninety-three, relating to the division of
49 environmental protection (hazardous waste manage-
50 ment), are authorized.

51 (g) The legislative rules filed in the state register on the
52 third day of March, one thousand nine hundred ninety-
53 two, modified by the division of environmental protec-
54 tion to meet the objections of the legislative rule-making
55 review committee and refiled in the state register on the
56 eighteenth day of February, one thousand nine hundred
57 ninety-three, relating to the division of environmental
58 protection (groundwater protection act fee schedule), are
59 authorized.

60 (h) The legislative rules filed in the state register on the
61 twenty-third day of April, one thousand nine hundred
62 ninety-three, modified by the division of environmental
63 protection to meet the objections of the legislative rule-
64 making review committee and refiled in the state register
65 on the twenty-seventh day of October, one thousand nine
66 hundred ninety-three, relating to the division of
67 environmental protection (solid waste landfill closure
68 assistance program), are authorized.

69 (i) The legislative rules filed in the state register on the
70 twenty-eighth day of January, one thousand nine

71 hundred ninety-three, modified by the division of
72 environmental protection to meet the objections of the
73 legislative rule-making review committee and refiled in
74 the state register on the sixth day of October, one
75 thousand nine hundred ninety-three, relating to the
76 division of environmental protection (monitoring wells),
77 are authorized with the amendment set forth below:

78 On page 2, by striking out subsection 4.1 in its entirety
79 and inserting in lieu thereof a new subsection 4.1 as
80 follows:

81 “4.1 There shall be a certified monitoring well driller
82 on site in direct charge of actively drilling, constructing,
83 altering, testing or abandoning any monitoring well.”

84 (j) The legislative rules filed in the state register on the
85 twenty-eighth day of January, one thousand nine
86 hundred ninety-three, modified by the division of
87 environmental protection to meet the objections of the
88 legislative rule-making review committee and refiled in
89 the state register on the twentieth day of January, one
90 thousand nine hundred ninety-four, relating to the
91 division of environmental protection (groundwater
92 protection), are authorized.

93 (k) The legislative rules filed in the state register on the
94 eighth day of February, one thousand nine hundred
95 ninety-three, relating to the division of environmental
96 protection (groundwater protection, coal mining oper-
97 ations), are authorized with the amendments set forth
98 below:

99 On page 3, following section 2.11, by adding a new
100 section to read as follows:

101 “2.12 Exempted coal mining operations means those
102 operations subject to the exemption set forth in West
103 Virginia Code, §20-5M-5(h), and which are of an earth
104 disturbing nature resulting from and directly related to
105 coal extraction. Exempted coal mining operations
106 include: coal and slurry impoundments; refuse areas and
107 on-site haulways.”;

108 On page 3, section 3.1, by striking out the following:
109 “In cases where such statute or legislative rules are more
110 restrictive or in conflict with the Act or these legislative
111 rules, the statute or rule most protective of groundwater
112 applies.”;

113 On page 3, by striking out all of section 3.2 and
114 renumbering the remaining sections;

115 On page 3, Section 3.3, by striking out all of Section
116 3.3, and inserting in lieu thereof the following: “All coal
117 mining operations which are not subject to the exemp-
118 tion set forth in subsection (h), Section 5 of the Act, shall
119 conduct groundwater protection practices, and prepare
120 and implement groundwater protection plans, as set
121 forth in this regulation. All exempted coal mining
122 operations must conduct groundwater protection
123 practices consistent with West Virginia Code, §20-5A-1
124 et seq, and West Virginia Code, §22A-3-1 et seq.
125 Exempted operations are not subject to the existing
126 quality or to the related provisions of subsections (f) and
127 (g), Section 5, of the Act. Further, exempted operations
128 are not subject to water quality standards promulgated
129 by the Water Resources Board pursuant to the Act. Such
130 operations shall nonetheless be designed, constructed,
131 operated, maintained, and closed in such manner as to
132 reasonably protect groundwater from contamination.”;

133 On page 4, Section 3.4.1.a. by striking out all of Section
134 3.4.1.a. and inserting in lieu thereof the following: “An
135 inventory of all operations and activities that are not
136 exempted operations and may reasonably be expected to
137 contaminate groundwater, and an indication of the
138 current existence of and the potential for groundwater
139 contamination. These include but are not limited to
140 evaluation of materials handling areas, loading and
141 unloading areas, equipment cleaning, maintenance
142 activities, pipelines carrying contaminants, sumps and
143 tanks containing contaminants.”;

144 On page 4, Section 3.4.2 after the word “all” by adding
145 the words “existing non-exempt”;

- 146 On page 5, by striking out all of section 3.4.2.a.;
- 147 On page 5, by striking out all of section 3.5 and
148 renumbering the remaining sections;
- 149 On page 6, by striking out all of section 3.5.1;
- 150 On page 6, by striking out all of section 3.5.2;
- 151 On page 6, Section 3.6, after the word “for” by
152 inserting the words “non-coal”;
- 153 On pages 6 and 7, by striking out all of Section 3.7 and
154 renumbering the remaining sections;
- 155 On page 11, Section 8.1, by inserting before the words
156 “The Director may” the words “For all non-exempt coal
157 mining operations”;
- 158 On page 11, by striking out all of Section 8.6;
- 159 On page 12, by striking out all of Section 9.2.;
- 160 And,
- 161 On page 12, following Section 9.2, by inserting a new
162 section as follows:
- 163 **“10. Appropriateness Study.**
- 164 The Environmental Protection Advisory Council shall
165 conduct a study and report back to the Joint Committee
166 on Government and Finance on or before November 1,
167 1995. The study shall be an evaluation of the appropri-
168 ateness and effectiveness of the rules and shall include
169 any recommendations, modifications or alternatives
170 thereto.”
- 171 (m) The legislative rules filed in the state register on
172 the eighth day of July, one thousand nine hundred
173 ninety-three, modified by the division of environmental
174 protection to meet the objections of the legislative rule-
175 making review committee and refiled in the state register
176 on the twenty-first day of January, one thousand nine
177 hundred ninety-four, relating to the division of environ-
178 mental protection (sewage sludge management), are

179 authorized with the amendments set forth below:

180 On pages 7 and 8, by striking out sections 3.2.2 and
181 3.2.2a in their entirety and inserting in lieu thereof new
182 sections 3.2.2 and 3.2.2a as follows:

183 “3.2.2. No person or entity shall be allowed to apply
184 sewage sludge to land in a manner that will result in
185 exceeding the maximum soil concentration for arsenic,
186 cadmium, chromium, copper, lead, mercury, molybde-
187 num, nickel, selenium and zinc, as listed in Table 3 of this
188 rule and the soil testing requirements of this rule.

189 3.2.2a. The director shall assign an individual and
190 lifetime loading rate for each land application site by
191 considering background soil concentrations and
192 maximum allowable pollutant concentrations as per
193 Table 1 and per Table 3 of this rule, except as provided
194 for in 3.2.2.b.

195 3.2.2.b. If circumstances at sewage sludge processing
196 facilities result in short term excursions of Table 1
197 criteria, the director may develop temporary loading
198 rates, for a period not to exceed six months, based on the
199 provisional limitations of Table 2 of this rule.”;

200 On page 10, section 4.1.2 after the words “all permitted
201 facilities”, by striking out the words “whose methods of
202 operations are not in compliance with this rule”;

203 On page 19, section 6.4.1 by striking out “\$10.00” and
204 inserting in lieu thereof “\$5.00”;

205 On page 19, by striking out Section 6.4.2. in its entirety
206 and by renumbering the remaining sections;

207 On page 19, in renumbered section 6.4.3., following the
208 words “Fees generated pursuant to”, by striking out the
209 words “paragraphs 6.4.1 and 6.4.2” and insert in lieu
210 thereof the words “paragraph 6.4.1”;

211 On page 19, in the renumbered section 6.4.3, by
212 striking out “\$500,000” and inserting in lieu thereof
213 “\$200,000”;

214 On page 21, Table 1, by striking out the title "POL-
215 LUTANT CONCENTRATION OF METALS IN
216 SEWAGE SLUDGE" and inserting in lieu thereof the
217 title "MAXIMUM CONCENTRATION OF METALS IN
218 SEWAGE SLUDGE FOR LAND APPLICATION";

219 And,

220 On page 21, Table 2, by striking out the title "MAXI-
221 MUM CONCENTRATION OF METALS IN SEWAGE
222 SLUDGE FOR LAND APPLICATION" and inserting in
223 lieu thereof the title "PROVISIONAL MAXIMUM
224 CONCENTRATION OF METALS IN SEWAGE
225 SLUDGE FOR PRODUCERS NOT MEETING TABLE 1
226 CRITERIA".

227 (n) The legislative rules filed in the state register on the
228 twelfth day of August, one thousand nine hundred
229 ninety-three, modified by the division of environmental
230 protection to meet the objections of the legislative rule-
231 making review committee and refiled in the state register
232 on the nineteenth day of January, one thousand nine
233 hundred ninety-four, relating to the division of environ-
234 mental protection (groundwater protection act fee
235 schedule), are authorized.

236 (o) The legislative rules filed in the state register on the
237 twelfth day of August, one thousand nine hundred
238 ninety-three, modified by the division of environmental
239 protection to meet the objections of the legislative rule-
240 making review committee and refiled in the state register
241 on the nineteenth day of January, one thousand nine
242 hundred ninety-four, relating to the division of environ-
243 mental protection (underground injection control fee
244 schedule), are authorized.

245 (p) The legislative rules filed in the state register on the
246 twelfth day of August, one thousand nine hundred
247 ninety-three, modified by the division of environmental
248 protection to meet the objections of the legislative rule-
249 making review committee and refiled in the state register
250 on the fourteenth day of January, one thousand nine

251 hundred ninety-four, relating to the division of environ-
252 mental protection (underground storage tanks), are
253 authorized with the amendments set forth below:

254 On page 3, section 3.4.5.a, following the word "closure"
255 by inserting a period and the following: "The director
256 can make available to applicants alternative testing
257 procedures";

258 And,

259 On page 4, subsection 3.4.6, by striking out "\$100" and
260 inserting in lieu thereof "\$75", and by striking out "\$50"
261 and inserting in lieu thereof "\$35".

262 (q) The legislative rules filed in the state register on the
263 sixteenth day of August, one thousand nine hundred
264 ninety-three, modified by the division of environmental
265 protection to meet the objections of the legislative rule-
266 making review committee and refiled in the state register
267 on the twenty-first day of January, one thousand nine
268 hundred ninety-four, relating to the division of environ-
269 mental protection (commercial hazardous waste
270 management facility siting fees), are authorized with the
271 amendment set forth below:

272 On page 2, section 3.1 by striking out the words "sixty
273 thousand dollars (\$60,000)" and inserting in lieu thereof
274 the words "one hundred thousand dollars (\$100,000)".

275 (r) The legislative rules filed in the state register on the
276 sixteenth day of August, one thousand nine hundred
277 ninety-three, relating to the division of environmental
278 protection (hazardous waste management), are autho-
279 rized.

280 (s) The legislative rules filed in the state register on the
281 sixteenth day of August, one thousand nine hundred
282 ninety-three, modified by the division of environmental
283 protection to meet the objections of the legislative rule-
284 making review committee and refiled in the state register
285 on the twentieth day of January, one thousand nine
286 hundred ninety-four, relating to the division of environ-

287 mental protection (dam safety), are authorized with the
288 amendment set forth below:

289 On page 19, by striking out the entirety of sections
290 7.1.1.b.A. and 7.1.1.b.B. and inserting in lieu thereof new
291 sections 7.1.1.b.A and 7.1.1.b.B as follows:

292 “7.1.1.b.A. Class A Dams - Class A dams shall be
293 designed for a minimum P100 storm of six hours in
294 duration.

295 7.1.1.b.B. Class B Dams - Class B dams shall be
296 designed for a minimum P100 storm to one-half probable
297 maximum precipitation storm of six hours duration. The
298 magnitude of storm must closely relate to the degree of
299 anticipated damage downstream based upon information
300 supplied to the Director.”

301 (t) The legislative rules filed in the state register on the
302 sixteenth day of August, one thousand nine hundred
303 ninety-three, modified by the division of environmental
304 protection to meet the objections of the legislative rule-
305 making review committee and refiled in the state register
306 on the nineteenth day of January, one thousand nine
307 hundred ninety-four, relating to the division of environ-
308 mental protection (groundwater quality standard
309 variances), are authorized.

310 (u) The legislative rules filed in the state register on the
311 sixteenth day of August, one thousand nine hundred
312 ninety-three, modified by the division of environmental
313 protection to meet the objections of the legislative rule-
314 making review committee and refiled in the state register
315 on the twenty-first day of January, one thousand nine
316 hundred ninety-four, relating to the division of environ-
317 mental protection (lead acid battery), are authorized
318 with the amendment set forth below:

319 On page 3, section 3.4, by striking out the word “five
320 (5) and inserting in lieu thereof the word “three (3)”.

321 (v) The legislative rules filed in the state register on the
322 sixteenth day of August, one thousand nine hundred

323 ninety-three, modified by the division of environmental
324 protection to meet the objections of the legislative rule-
325 making review committee and refiled in the state register
326 on the twenty-first day of January, one thousand nine
327 hundred ninety-four, relating to the division of environ-
328 mental protection (yard waste composting), are
329 authorized with the following amendment:

330 On page 2, by striking out all of section 2.3 and
331 inserting in lieu thereof a new section 2.3 as follows:

332 “2.3. **“Non-residential composting activities”** means a
333 composting activity by persons such as landscape
334 contractors, nurseries or greenhouses, lawn and garden
335 companies, solid waste authorities and municipalities
336 which are authorized to compost up to twelve thousand
337 (12,000) tons per year of yard waste materials consisting
338 of grass clippings, weeds, leaves, brush/shrub or tree
339 prunings and other acceptable compostable materials
340 which have been approved in writing by the chief to
341 produce a safe product for use as a soil amendment/soil
342 conditioner.”

343 (w) The legislative rules filed in the state register on
344 the twenty-eighth day of January, one thousand nine
345 hundred ninety-three, modified by the division of
346 environmental protection to meet the objections of the
347 legislative rule-making review committee and refiled in
348 the state register on the sixth day of October, one
349 thousand nine hundred ninety-three, relating to the
350 division of environmental protection (assessment of civil
351 administrative penalties), are authorized.

§64-3-18. Office of miners’ health, safety and training.

1 (a) The legislative rules filed in the state register on the
2 thirteenth day of November, one thousand nine hundred
3 ninety-two, modified by the director of the office of
4 miners’ health, safety and training to meet the objections
5 of the legislative rule-making review committee and
6 refiled in the state register on the eighteenth day of
7 February, one thousand nine hundred ninety-three,

8 relating to the director of the office of miners' health,
9 safety and training (rules and regulations governing the
10 standards for certification of blasters for surface coal
11 mines and surface areas of underground coal mines), are
12 authorized.

13 (b) The legislative rules filed in the state register on the
14 twenty-seventh day of July, one thousand nine hundred
15 ninety-three, modified by the office of miners' health,
16 safety and training to meet the objections of the
17 legislative rule-making review committee and refiled in
18 the state register on the second day of November, one
19 thousand nine hundred ninety-three, relating to the
20 office of miners' health, safety and training (first-aid
21 training of shaft and/or slope employees), are authorized.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten signature]
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Carroll Holmes
.....
Clerk of the Senate

Donald L. Kepp
.....
Clerk of the House of Delegates

[Handwritten signature]
.....
President of the Senate

[Handwritten signature]
.....
Speaker House of Delegates

The within *is approved* this the *6th*
day of *April*, 1994.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/5/94

Time 1:36 pm