

**OCTOBER** 8 /



Monday, October 8, 2007

12:00 p.m. to 2:00 p.m.

Legislative Rule-Making  
Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin  
ex officio nonvoting member

Richard Thompson  
ex officio nonvoting member

**Senate**

**House**

Minard, Chairman  
Fanning, Vice Chair  
Prezioso  
Unger  
Boley  
Facemyer

Absent  
Absent

Brown, Chairman  
Miley, Vice Chair  
Burdiss  
Talbott  
Overington  
Sobonya  
Absent  
Absent

The meeting was called to order by Mr. Minard, Co-Chairman.

The minutes of the August 20, 2007, meeting were approved.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **WV Medical Imaging and Radiation Therapy Technology Board of Examiners, Rule of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18CSR1**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Medical Imaging and Radiation Therapy Technology Board of Examiners, Continuing Education, 18CSR2**, and stated that the Board has agreed to technical modifications.

Mr. Fanning moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **WV Medical Imaging and Radiation Therapy Technology Board of Examiners, Standard of Ethics, 18CSR5**, and stated that the Board has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Connie Bowling, Associate Counsel, reviewed her abstract on the rule proposed by the, **WV State Police, West Virginia State Police Career Progression System, 81CSR3**, and stated that the Agency has agreed to technical modifications.

Captain David Skeen with the State Police responded to questions from the Committee.

John Smith, President of the WV Troopers Association, responded to questions from the Committee.

Ms. Boley moved to amended the proposed rule by deleting subsection 4.1.c. and 7.1.5. The motion was adopted.

Ms. Brown moved that the proposed rule be approved as modified and amended. The motion was adopted.

Ms. Bowling explained her abstract on the rule proposed by the, **WV State Police, West Virginia State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline, 81CSR10.**

Mr. Burdiss moved that the proposed rule be approved. The motion was adopted.

Charles Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the, **WV Board of Acupuncture, Disciplinary and Complaint Procedures for Acupuncturists, 32CSR7,** and stated that the Board has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the, **WV Board of Acupuncture, Continuing Education Requirements, 32CSR9,** and stated that the Board has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV State Auditor's Office, Standards for Requisitions for Payment Issued by State Officers on the Auditor, 155CSR1,** stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **WV State Auditor's Office, State Purchasing Card, 61CSR7,** stated that the Agency has agreed to technical modifications and responded to questions from the Committee.

Tim Butler with the WV State Auditor's Office responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, General Provisions, 162CSR1**, and stated that the Board has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified and amended. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, Benefit Determination and Appeal, 162CSR2**, and stated that the Board has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified and amended. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, Teachers' Defined Contribution System, 162CSR3**.

Ann Lambright, Executive Director for the Consolidated Public Retirement Board, responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, Teachers' Retirement System, 162CSR4**, and responded to questions from the Committee.

Ms. Lambright responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, Public Employees Retirement System, 162CSR5**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Ms. Lambright responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, Refund, Reinstatement and Loan Interest Factors, 162CSR7**.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, West Virginia State Police, 162CSR9**, and responded to questions from the Committee.

Ms. Lambright responded to questions from the Committee.

Mr. Smith responded to questions from the Committee.

Ms. Sobonya moved that the proposed rule lie over until the November Interim Meetings. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Consolidated Public Retirement Board, Deputy Sheriff Retirement System, 162CSR10**.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Mr. Roskovensky explained his abstract on the rule proposed by the, **WV Board of Dental Examiners, Rules for the WV Board of Dental Examiners, 5CSR1**, and stated that the Board has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

The rule proposed by the **Property Valuation and Procedures Commission, Tax Map Sales, 189CSR5**, was removed from the agenda.

Mr. Roskovensky explained his abstract on the rule proposed by the, **State Tax Department, Exchange of Information Agreement Between The Commissioner of The Tax Division of The Department of Revenue and The Commissioner of the Division of Labor of The Department of Commerce, The Commissioner of The Insurance Commission of The Department of Revenue, The Commissioner of The Division of Motor Vehicles of The Department of Transportation, The Commissioner of the Bureau of Employment Programs and The Office of The Governor, 110CSR50D**, and stated that the Department has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

The meeting was adjourned.

OCTOBER INTERIM ATTENDANCE  
Legislative Interim Meetings  
October 7, 8 and 9, 2007

Monday, October 8, 2007

12:00 pm - 2:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex  
officio nonvoting member

Thompson, ex  
officio nonvoting member

Senate

Minard, Chair  
Fanning, Vice Chair  
Prezioso  
Unger  
Boley  
Facemyer

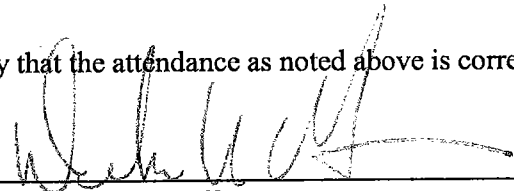
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House

Brown, Chair  
Miley, Vice Chair  
Burdiss  
Talbot  
Overington  
Sobonya

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I certify that the attendance as noted above is correct.



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Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, October 8, 2007**  
**12:00 p.m. and 2:00 p.m.**  
**Senate Finance Committee Room**

1. **Approval of Minutes - Meeting of August 20, 2007.**
2. **Review of Legislative Rules:**
  - a. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**  
*Rule of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18CSR1*
    - LAID OVER
    - Approve as Modified
  - b. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**  
*Continuing Education, 18CSR2*
    - LAID OVER
    - Approve as Modified
  - c. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**  
*Standard of Ethics, 18CSR5*
    - LAID OVER
    - Approve as Modified
  - d. **State Police, WV**  
*West Virginia State Police Career Progression System, 81CSR3*
    - LAID OVER
    - Approve as Modified
  - e. **State Police, WV**  
*West Virginia State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline, 81CSR10*
    - LAID OVER
    - Approve

- p. **Consolidated Public Retirement Board, WV**  
*West Virginia State Police, 162CSR9*
- Approve
- q. **Consolidated Public Retirement Board, WV**  
*Deputy Sheriff Retirement System, 162CSR10*
- Approve
- r. **Dental Examiners, WV Board of**  
*Rules for the WV Board of Dental Examiners, 5CSR1*
- Approve as Modified
- s. **Property Valuation and Procedures Commission -  
State Tax Department**  
*Tax Map Sales, 189CSR5*
- Approve as Modified
- t. **Tax Department, State**  
*Exchange of Information Agreement Between The Commissioner  
of The Tax Division of The Department of Revenue and The  
Commissioner of the Division of Labor of The Department of  
Commerce, The Commissioner of The Insurance Commission of The  
Department of Revenue, The Commissioner of The Division of  
Motor Vehicles of The Department of Transportation, The  
Commissioner of the Bureau of Employment Programs and The  
Office of The Governor, 110CSR50D*
- Approve as Modified

**3. Other Business**



OCTOBER INTERIM ATTENDANCE  
Legislative Interim Meetings  
October 7, 8 & 9, 2007

Monday, October 8, 2007

12:00 p.m. - 2:00 p.m.

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex  
officio nonvoting member

Robert "Bob" Kiss, ex  
officio nonvoting member

Senate

Minard, Chair  
Fanning, Vice Chair  
Prezioso  
Unger  
Boley  
Facemyer

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House

Brown, Chair  
Miley, Vice Chair  
Burdiss  
Talbott  
Overington  
Sobonya

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- Mr. Minard called the meeting to order
- Medical Imaging 18CSR1  
Debra explained & responded to ?'s  
Brown moved as Modified  
Motion adopted
- Medical Imaging 18CSR2  
Debra explained  
Fanning moved as modified  
Motion adopted
- Medical Imaging 18CSR5  
Debra explained  
Brown moved as modified  
Motion adopted

- State Police 81CSR3

Connie explained

Cpt. David Skeen w/SP responded to ?'s

John Smith, President of WV Troopers Assoc. responded to ?'s

Boley moved that 4.1.c & 7.1.5 be removed  
motion adopted

Brown moved as modified and amended  
Motion adopted

- State Police 81CSR10

Connie explained

Bardiss moved as filed

Motion adopted

- Acupuncture 32CSR7

Charlie explained

Brown moved as modified  
Motion adopted

- Acupuncture 32CSR9

Charlie explained

Brown moved as modified  
Motion adopted

- Auditor 155CSR1

Debra explained & responded to ?'s

Brown moved as modified  
Motion adopted

- Auditor 155CSR7

Debra explained & responded to ?'s

Tim Butler w/ Auditor's Office responded to ?'s

Brown moved as modified  
Motion adopted

- CPRB 162CSR1

Debra explained

Brown moved as filed  
Motion adopted

- CPRB 162CSR2

Debra explained

Fanning moved as filed  
Motion adopted

- CPRB 162CSR3

Debra explained

Ann Lambright, Ex Dir, of CPRB responded to ?'s

Brown moved as filed  
Motion adopted

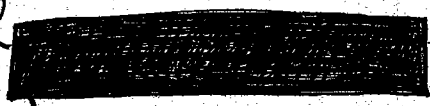
- CPRB 162CSR4

Debra explained & responded to ?'s

Brown moved as filed  
Motion adopted

Ann Lambright...

- CPRB 162CSR5  
Debra explained & responded to ?'s  
Brown moved as modified — Anna Lambright...  
Motion adopted

- CPRB 162CSR7  
Debra explained   
Brown moved as filed  
Motion adopted

- CPRB 162CSR9  
Debra explained & responded to ?'s  
Ann Lambright...  
John Smith, President, WV Troopers Assoc responded to ?  
Sabonya lay over  
Motion adopted

- CPRB 162CSR10  
Debra explained  
Brown moved  
Motion adopted

- Dental 5CSR1  
Charlie explained  
Burdiss moved as modified  
Motion adopted

-

Tax 110CSR50D

Debra explained

Brown moved as modified  
Motion adopted

- Fanning moved to adjour  
Motion adopted

REGISTRATION OF PUBLIC  
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: October 8, 2007

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
John Smith, President W.Va. Troopers Association	210 Chesapeake Ave. Charleston, WV 25311	W.Va. Troopers Association	X

**OCTOBER INTERIM ATTENDANCE**

**Legislative Interim Meetings**

**October 7, 8 & 9, 2007**

**Monday, October 8, 2007**

12:00 p.m. - 2:00 p.m.

**Legislative Rule-Making Review Committee**

Earl Ray Tomblin, ex  
officio nonvoting member

Robert "Bob" Kiss, ex  
officio nonvoting member

**Senate**

**House**

Minard, Chair	✓
Fanning, Vice Chair	✓
Prezioso	_____
Unger	_____
Boley	✓
Facemyer	✓

Brown, Chair	✓
Miley, Vice Chair	_____
Burdiss	✓
Talbott	_____
Overington	✓
Sobonya	✓

*Brown*      *Minutes approved*  
*Rad Took*  
*Approve as mod*

*Fanning*      *Can't Ed*  
*Approve as mod.*

*Brown*      *Approve as mod*

*State Police*  
*Connie explained*

*Sen Boley*      *John Smith - WV Troopers Assn*  
*Motion to*      *4.1.0c p4*  
*modify to*      *7.1.0 p11*      *adopted*  
*delete*  
*Brown*      *approve as modified*

Brown

Accountant - 32 CSR 9  
Charlie explained  
Approve as

Brown

Accountant - 32 CSR 7  
Charlie explained  
Approve as mod

Bird's

State Police - 81 CSR 10  
Approve



**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Monday, October 8, 2007**  
**12:00 p.m. and 2:00 p.m.**  
**Senate Finance Committee Room**

1. **Approval of Minutes - Meeting of August 20, 2007.**

2. **Review of Legislative Rules:**

*Approved  
as mod.*

a. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**

*Rule of the West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18CSR1*

- LAID OVER
- Approve as Modified

*Approved  
as mod.*

b. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**

*Continuing Education, 18CSR2*

- LAID OVER
- Approve as Modified

*Approved  
as mod.*

c. **Medical Imaging and Radiation Therapy Technology Board of Examiners, WV**

*Standard of Ethics, 18CSR5*

- LAID OVER
- Approve as Modified

*Approved  
as mod.*

d. **State Police, WV**

*West Virginia State Police Career Progression System, 81CSR3*

- LAID OVER
- Approve as Modified

*Approved*

e. **State Police, WV**

*West Virginia State Police Professional Standards Investigations, Employee Rights, Early Identification System, Psychological Assessment and Progressive Discipline, 81CSR10*

- LAID OVER
- Approve

Approved  
as mod

f. **Acupuncture, WV Board of**  
Disciplinary and Complaint Procedures for Acupuncturists,  
32CSR7

- Approve as Modified

Approved  
as mod

**Acupuncture, WV Board of**  
Continuing Education Requirements, 32CSR9

- Approve as Modified

Approved  
as mod

h. **Auditor's Office, WV State**  
Standards for Requisitions for Payment Issued by State  
Officers on the Auditor, 155CSR1

- Approve as Modified

Approved  
as mod

**Auditor's Office, WV State**  
State Purchasing Card, 61CSR7

- Approve as Modified

Approved

**Consolidated Public Retirement Board, WV**  
General Provisions, 162CSR1

- Approve

Approved

**Consolidated Public Retirement Board, WV**  
Benefit Determination and Appeal, 162CSR2

- Approve

Approved

**Consolidated Public Retirement Board, WV**  
Teachers' Defined Contribution System, 162CSR3

- Approve

Approved

**Consolidated Public Retirement Board, WV**  
Teachers' Retirement System, 162CSR4

- Approve

Approved  
as mod

**Consolidated Public Retirement Board, WV**  
Public Employees Retirement System, 162CSR5

- Approve as Modified

Approved

**Consolidated Public Retirement Board, WV**  
Refund, Reinstatement and Loan Interest Factors, 162CSR7

- Approve

*Laid out*  
b. **Consolidated Public Retirement Board, WV**  
*Approved*  
*r.* *as mod*  
West Virginia State Police, 162CSR9

- Approve

**Consolidated Public Retirement Board, WV**  
Deputy Sheriff Retirement System, 162CSR10

- Approve

**Dental Examiners, WV Board of**  
Rules for the WV Board of Dental Examiners, 5CSR1

- Approve as Modified

s. **Property Valuation and Procedures Commission -**  
**State Tax Department**  
Tax Map Sales, 189CSR5

- Approve as Modified

t. **Tax Department, State**

*Exchange of Information Agreement Between The Commissioner of The Tax Division of The Department of Revenue and The Commissioner of the Division of Labor of The Department of Commerce, The Commissioner of The Insurance Commission of The Department of Revenue, The Commissioner of The Division of Motor Vehicles of The Department of Transportation, The Commissioner of the Bureau of Employment Programs and The Office of The Governor, 110CSR50D*

- Approve as Modified

### 3. Other Business

**OCTOBER** 9



Tuesday, October 9, 2007

3:00 p.m. to 5:00 p.m.

Legislative Rule-Making  
Review Committee  
(Code §29A-3-10)

Earl Ray Tomblin  
ex officio nonvoting member

Richard Thompson  
ex officio nonvoting member

**Senate**

**House**

Minard, Chairman  
Fanning, Vice Chair      Absent  
Prezioso  
Unger  
Boley                      Absent  
Facemyer

Brown, Chairman  
Miley, Vice Chair  
Burdiss  
Talbot  
Overington  
Sobonya

The meeting was called to order by Mr. Minard, Co-Chairman.

Mr. Minard read aloud a letter from the Department of Environmental Protection and removed all Department of Environmental Protection - Division of Air Quality's rules from the agenda.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **WV Division of Natural Resources, Commercial Whitewater Outfitters, 58CSR12**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

Lt. Jerry Jenkins with the Division of Natural Resources responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Division of Natural Resources, Revocation of Hunting and Fishing Licenses, 58CSR23**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

Lt. Jenkins responded to questions from the Committee.

Mr. Miley moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **WV Division of Natural Resources, Special Boating Rules, 58CSR26**.

Brett Preston, Assistant Chief of Wildlife Resources Division of the Division of Natural Resources, responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **WV Division of Natural Resources, Wildlife Scientific Collection Permit, 58CSR42**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

Mr. Preston responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified and amended. The motion was adopted.

Charles Roskovensky, Associate Counsel, reviewed his abstract on the rule proposed by the, **WV Board of Medicine, Collaborative Pharmacy Practice, 11CSR8**, and stated that the Board has agreed to technical modifications.

Robert Knittle with the WV Board of Medicine responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the, **Department of Administration, Leasing of Space on Behalf of State Spending Units, 148CSR2**.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Mr. Skinner reviewed his abstract on the rule proposed by the, **Department of Administration, Leasing of Space and Acquisition of Real Property on Behalf of State Spending Units, 148CSR19**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Ms. Graham explained her abstract on the rule proposed by the, **Secretary of State, Use of Digital Signatures, State Certificate Authority and State Repository, 153CSR30**, and stated that the Agency has agreed to technical modifications.

Ms. Brown moved that the proposed rule be approved as modified. The motion was adopted.

Rita Pauley, Associate Counsel, reviewed her abstract on the rule proposed by the, **Department of Environmental Protection - Office of Waste Management, Recycling Assistance Grant Program, 33CSR10**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Danny Haught, Assistant Director with the Division of Land Reservation, responded to questions from the Committee.

Karen Watson, Executive Counsel with the Department of Environmental Protection, responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved as modified and amended. The motion was adopted.

Ms. Pauley explained her abstract on the rule proposed by the, **Department of Environmental Protection - Secretary's Office, Voluntary Remediation and Redevelopment Rule, 60CSR3.**

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **Department of Environmental Protection - Secretary's Office, Environmental Excellence Program Rule, 60CSR8** and responded to questions from the Committee.

Ms. Brown moved that the proposed rule be approved. The motion was adopted.

The meeting was adjourned.

OCTOBER INTERIM ATTENDANCE  
Legislative Interim Meetings  
October 7, 8 and 9, 2007

Tuesday, October 9, 2007

3:00 pm - 5:00 pm

Legislative Rule-Making Review Committee

Earl Ray Tomblin, ex  
officio nonvoting member

Thompson, ex  
officio nonvoting member

Senate

Minard, Chair ✓  
Fanning, Vice Chair ✓  
Prezioso ✓  
Unger ✓  
Boley ✓  
Facemyer ✓

House

Brown, Chair ✓  
Miley, Vice Chair ✓  
Burdiss ✓  
Talbot ✓  
Overington ✓  
Sobonya ✓

I certify that the attendance as noted above  
is correct

  
Staff Person

Debra Graham

Please return to Brenda in Room 132-E or Fax to 347-4819 ASAP, due to payroll deadline.



**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, October 9, 2007**  
**3:00 p.m. and 5:00 p.m.**  
**Senate Judiciary Committee Room**

**1. Review of Legislative Rules:**

- a. **Natural Resources, WV Division of**  
*Commercial Whitewater Outfitters, 58CSR12*
  - Approve as Modified
- b. **Natural Resources, WV Division of**  
*Revocation of Hunting and Fishing Licenses, 58CSR23*
  - Approve as Modified
- c. **Natural Resources, WV Division of**  
*Special Boating Rules, 58CSR26*
  - Approve
- d. **Natural Resources, WV Division of**  
*Wildlife Scientific Collection Permit, 58CSR42*
  - Approve as Modified
- e. **Medicine, WV Board of**  
*Collaborative Pharmacy Practice, 11CSR8*
  - Approve as Modified
- f. **Administration, Department of**  
*Leasing of Space on Behalf of State Spending Units, 148CSR2*
  - Approve
- g. **Administration, Department of**  
*Leasing of Space and Acquisition of Real Property on Behalf of State Spending Units, 148CSR19*
  - Approve as Modified

- h. **Secretary of State**  
*Use of Digital Signatures, State Certificate Authority and State Repository, 153CSR30*
- Approve as Modified
- i. **Air Quality, Office of  
Department of Environmental Protection**  
*To Prevent and Control Air Pollution From Combustion of Refuse, 45CSR6*
- Approve
- K. **Air Quality, Office of  
Department of Environmental Protection**  
*Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter, 45CSR8*
- Approve as Modified
- k. **Air Quality, Office of  
Department of Environmental Protection**  
*Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60, 45CSR16*
- Approve
- l. **Air Quality, Office of  
Department of Environmental Protection**  
*To Prevent and Control Emissions From Commercial and Industrial Solid Waste Incineration Units, 45CSR18*
- Approve
- m. **Air Quality, Office of  
Department of Environmental Protection**  
*To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities, 45CSR25*
- Approve
- n. **Air Quality, Office of  
Department of Environmental Protection**  
*Emission Standards for Hazardous Air Pollutants for Source Categories Pursuant to 40 CFR Part 63, 45CSR34*
- Approve as Modified

- o. **Air Quality, Office of  
Department of Environmental Protection**  
*Control of Annual Nitrogen Oxide Emissions to Mitigate  
Interstate Transport of Fine Particulate Matter and Nitrogen  
Oxides, 45CSR39*
  - Approve
  
- p. **Air Quality, Office of  
Department of Environmental Protection**  
*Control of Ozone Season Nitrogen Oxide Emissions to Mitigate  
Interstate Transport of Ozone and Nitrogen Oxides, 45CSR40*
  - Approve as Modified
  
- q. **Air Quality, Office of  
Department of Environmental Protection**  
*Control of Annual Sulfur Dioxide Emissions to Mitigate  
Interstate Transport of Fine Particulate Matter and Sulfur  
Dioxide, 45CSR41*
  - Approve as Modified
  
- t. **Waste Management, Office of  
Department of Environmental Protection**  
*Recycling Assistance Grant Program, 33CSR10*
  - Approve as Modified
  
- u. **Secretary's Office  
Department of Environmental Protection**  
*Voluntary Remediation and Redevelopment Rule, 60CSR3*
  - Approve
  
- v. **Secretary's Office  
Department of Environmental Protection**  
*Environmental Excellence Program Rule, 60CSR8*
  - Approve

3. **Other Business**

**OCTOBER INTERIM ATTENDANCE**  
**Legislative Interim Meetings**  
**October 7, 8 & 9, 2007**

**Tuesday, October 9, 2007**

3:00 p.m. - 5:00 p.m.

**Legislative Rule-Making Review Committee**

Earl Ray Tomblin, ex  
 officio nonvoting member \_\_\_\_\_

Robert "Bob" Kiss, ex  
 officio nonvoting member \_\_\_\_\_

**Senate**

**House**

Minard, Chair   
 Fanning, Vice Chair \_\_\_\_\_  
 Prezioso   
 Unger   
 Boley \_\_\_\_\_  
 Facemyer

Brown, Chair   
 Miley, Vice Chair   
 Burdiss   
 Talbott   
 Overington   
 Sobonya

*Minard called meeting to order  
 Explained letter from DEID and  
 Removed all Air Quality from the agenda*

- DNR 58CSR12

*Debra explained & responded to ?'s  
 Lt. Jerry Jenkins responded to ?'s  
 Brown moved as modified  
 Motion adopted*

- DNR 58CSR23

*Debra explained & responded to ?'s  
 Lt. Jenkins responded to ?'s  
 Miley moved as modified  
 Motion adopted*

- DNR 58CSR26  
Debra explained  
Brett Preston, Assist Chief, Wildlife Resources <sup>responded</sup> to ?'s  
Brown moved as filed  
Motion adopted

- DNR 58CSR 42  
Debra explained & responded to ?'s  
Brett Preston... responded to ?'s  
Brown moved as modified  
Motion adopted

- Medicine 11CSR8  
Charlie explained  
Robert Knittle responded to ?'s  
Brown moved as modified  
Motion adopted

- Admin 148CSR 2  
Brian explained  
Brown moved as filed  
Motion adopted

- Admin 148CSR 19  
Brian explained & responded to ?'s  
Brown moved as modified  
Motion adopted

- Sec. of State 153 CSR 30  
Debra explained  
Brown moved as modified including 30-9.8  
Motion adopted

- Waste 33 CSR 10  
Rita explained & responded to 7/8  
Danny Naught, Assist Dir, Div. Land Reservation responded to 7/8  
~~Karen~~ Karen Watson, Ex Counsel, responded to 7/8  
Brown moved as modified  
Motion adopted

- Secretary's office 60 CSR 3  
Rita explained  
Brown moved as filed  
Motion adopted

- Secretary's office 60 CSR 8  
Rita explained & responded to 7/8  
Brown moved as filed  
Motion adopted

**OCTOBER INTERIM ATTENDANCE**  
**Legislative Interim Meetings**  
**October 7, 8 & 9, 2007**

**Tuesday, October 9, 2007**

3:00 p.m. - 5:00 p.m.

**Legislative Rule-Making Review Committee**

Earl Ray Tomblin, ex  
officio nonvoting member

Robert "Bob" Kiss, ex  
officio nonvoting member

**Senate**

Minard, Chair  
Fanning, Vice Chair  
Prezioso  
Unger  
Boley  
Facemyer

\_\_\_\_\_  
✓  
\_\_\_\_\_  
✓  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
✓

**House**

Brown, Chair  
Miley, Vice Chair  
Burdiss  
Talbot  
Overington  
Sobonya

\_\_\_\_\_  
✓  
✓  
\_\_\_\_\_  
✓  
✓  
✓  
✓

**TENTATIVE AGENDA**  
**LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**  
**Tuesday, October 9, 2007**  
**3:00 p.m. and 5:00 p.m.**  
**Senate Judiciary Committee Room**

**1. Review of Legislative Rules:**

*Approve c.  
as mod*

**Natural Resources, WV Division of  
Commercial Whitewater Outfitters, 58CSR12**

- Approve as Modified

*Approved b.  
as mod*

**Natural Resources, WV Division of  
Revocation of Hunting and Fishing Licenses, 58CSR23**

- Approve as Modified

*Approved e*

**Natural Resources, WV Division of  
Special Boating Rules, 58CSR26**

- Approve

*Approve d.  
as mod*

**Natural Resources, WV Division of  
Wildlife Scientific Collection Permit, 58CSR42**

- Approve as Modified

*Approved k.  
as mod*

**Medicine, WV Board of  
Collaborative Pharmacy Practice, 11CSR8**

- Approve as Modified

*Approved f.*

**Administration, Department of  
Leasing of Space on Behalf of State Spending Units, 148CSR2**

- Approve

*Approved g.  
as mod*

**Administration, Department of  
Leasing of Space and Acquisition of Real Property on Behalf  
of State Spending Units, 148CSR19**

- Approve as Modified



Approved  
as mod.

**Secretary of State**

Use of Digital Signatures, State Certificate Authority and State Repository, 153CSR30

- Approve as Modified

Removed

**Air Quality, Office of  
Department of Environmental Protection**

To Prevent and Control Air Pollution From Combustion of Refuse, 45CSR6

- Approve

Removed

**Air Quality, Office of  
Department of Environmental Protection**

Ambient Air Quality Standards for Sulfur Oxides and Particulate Matter, 45CSR8

- Approve as Modified

Removed

**Air Quality, Office of  
Department of Environmental Protection**

Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60, 45CSR16

- Approve

Removed

**Air Quality, Office of  
Department of Environmental Protection**

To Prevent and Control Emissions From Commercial and Industrial Solid Waste Incineration Units, 45CSR18

- Approve

Removed

**Air Quality, Office of  
Department of Environmental Protection**

To Prevent and Control Air Pollution From Hazardous Waste Treatment, Storage, or Disposal Facilities, 45CSR25

- Approve

Removed

**Air Quality, Office of  
Department of Environmental Protection**

Emission Standards for Hazardous Air Pollutants for Source Categories Pursuant to 40 CFR Part 63, 45CSR34

- Approve as Modified

*Removed to.*  
**Air Quality, Office of  
Department of Environmental Protection**  
Control of Annual Nitrogen Oxide Emissions to Mitigate  
Interstate Transport of Fine Particulate Matter and Nitrogen  
Oxides, 45CSR39

- Approve

*Removed to.*  
**Air Quality, Office of  
Department of Environmental Protection**  
Control of Ozone Season Nitrogen Oxide Emissions to Mitigate  
Interstate Transport of Ozone and Nitrogen Oxides, 45CSR40

- Approve as Modified

*Removed to.*  
**Air Quality, Office of  
Department of Environmental Protection**  
Control of Annual Sulfur Dioxide Emissions to Mitigate  
Interstate Transport of Fine Particulate Matter and Sulfur  
Dioxide, 45CSR41

- Approve as Modified

*Approved as mod.*  
**Waste Management, Office of  
Department of Environmental Protection**  
Recycling Assistance Grant Program, 33CSR10

- Approve *as mod*

*Approved to.*  
**Secretary's Office  
Department of Environmental Protection**  
Voluntary Remediation and Redevelopment Rule, 60CSR3

- Approve

*Approved to.*  
**Secretary's Office  
Department of Environmental Protection**  
Environmental Excellence Program Rule, 60CSR8

- Approve

### 3. Other Business

REGISTRATION OF PUBLIC  
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: October 9, 2007

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
Greg Adolfson	601 57th St. SE Chas. WV 25304	WV DEP	
Sarah Bailey <small>Dep. Secy of State / Dir. of Communications</small>	WV Secy of State's office State Capitol, Bldg. 1, Rm 157	WV SOS	
Robert C Knittle Bd. of Medicine	10124 Drive Charleston, WV 25311	WV BOM	
Deborah L. Rodecker Bd of Medicine	,	,	
Darryl Haugdt	WV DEP		
DON GARVIN	WV Environmental Council	WVEC	✓ (45 CSR 8)

PO Box 666  
Buckhannon, WV  
26201

and  
(60 CSR 8)

Handout 10.9.07



west virginia department of environmental protection

Executive Office  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0440  
Fax: (304) 926-0446

Joe Manchin III, Governor  
Stephanie R. Timmermeyer, Cabinet Secretary  
www.wvdep.org

October 9, 2007

Ms. Judy Cooper  
Director, Administrative Law Division  
Office of the Secretary of State  
Capitol Complex  
Charleston, WV 25305

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2007 OCT -9 PM 2:47

FILED

Re: Repeal of Department of Environmental Protection's Legislative Rules 45CSR9, 45CSR12, 45CSR15 and 45CSR24

Dear Ms. Cooper:

The West Virginia Department of Environmental Protection, Division of Air Quality, as a result of an effort to streamline various air pollution control rules, proposes to repeal four of its existing legislative rules. The rules to be repealed during the 2008 legislative session are 45CSR9, 45CSR12, 45CSR15 and 45CSR24.

The substantive portions of the rules to be repealed have been updated and included as revisions to agency-approved rules 45CSR8, 45CSR18, and 45CSR34, submitted to the Secretary of State's office on July 25 and 26, 2007. The content of rules 45CSR9 and 45CSR12 will be included in 45CSR8; the content of rule 45CSR15 will be included in 45CSR34; and the content of rule 45CSR24 will be included in 45CSR18.

If you have any questions regarding this proposal, please contact John A. Benedict, Director of the Division of Air Quality at (304) 926-0462.

Sincerely,

Stephanie R. Timmermeyer  
Cabinet Secretary

cc: Honorable Joseph M. Minard, Co-chairman, Legislative Rulemaking Review Committee  
Honorable Bonnie Brown, Co-chairman, Legislative Rulemaking Review Committee

Promoting a healthy environment.

Proposed Technical Modification to 33CSR10

2.15. "Recycle" means the process by which recovered products are transformed into new products and includes the collection, separation, recovery, processing and marketing, or reuse of that ~~new product~~ the recyclable materials.



**HOUSE OF DELEGATES  
WEST VIRGINIA LEGISLATURE**

BUILDING 1, ROOM 4-R  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
PHONE (304) 340-3175

Committees:

- Judiciary
- Constitutional Revision
- Minority Chair, Industry & Labor/Economic Development & Small Business
- Legislative Rule Making and Review

Add needs a sponsor to only these three bills from today. Thanks.

KELLI SOBONYA  
P.O. BOX 367  
BARBOURSVILLE, WV 25504  
PHONE: (304) 733-9169  
EMAIL: ksobonya@mail.wvnet.edu  
HOME EMAIL: sobonya4wvhouse@aol.com

K. Sobonya  
10/9/07

- ① 153 CSR 30 - Digital Signatures
- ② 33 CSR 10 - Recycling grant assistance Program
- ③ 60 CSR 8 - Environmental Excellence