

OCTOBER 17

TENTATIVE AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

October 17, 1988 - 1:00 - 3:00 p.m.

COMMITTEE MEETING ROOM, M-438

1. Approval of Minutes - Meetings August 29, 1988, 1:00 and 4:00 p.m.
2. REVIEW OF LEGISLATIVE RULES:
 - a. Board of Barbers & Beauticians - Curriculum and Minimum Requirements Subject and Hour Schedule, Rules and Regulations for Schools of Beauty Culture Operation in West Virginia; Joint Barbers and Beauticians License, Series I
 - b. Board of Barbers & Beauticians - Qualifications, Training, Examination and Registration of Instructors in Barbering and Beauty Culture, Series II
 - c. Board of Barbers & Beauticians - Operation of Barber Shops and Schools of Barbering, Series III
 - d. Board of Barbers & Beauticians - Operation of Beauty Shops and Schools of Beauty Culture, Series IV
 - e. Board of Barbers & Beauticians - Rules and Regulations for Licensing Schools of Barbering and Beauty Culture, Series V
 - f. Board of Barbers & Beauticians - Minimum Curriculum for Schools of Barbering, Series VI
 - g. Dept. of Human Services - Termination of Income Withholding (amendment to Series 11)
 - h. Dept. of Energy - Rules and Regulations Pertaining to Abandoned Mine Reclamation, Series 2D
 - i. Dept. of Health - Water Well Regulations

- j. Dept. of Agriculture - Animal Disease Control (Series 1)
- k. Dept. of Agriculture - Sale and Distribution of Commercial Fertilizer
- l. WV Board of Examiners of Psychologists - Penalties and Fees
- m. Dept. Natural Resources - Hazardous Waste Management Regulations

3. Other Business:

*** Proposed rules a thru h were considered at the August 29 meeting and carried over to the October interims. Therefore, abstracts are not included as they were mailed prior to August interims. Proposed rules are not being mailed but please let us know if a copy of the rule is needed prior to the meeting.

Monday, October 17, 1988

1:00 - 3:00 p.m.

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

Dan Tonkovich,
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

House

Tucker, Chairman
Boettner (absent)
Holmes
Tomblin
Harman
Hylton

Knight, Chairman (absent)
Givens
Murphy
Pritt
Burk
Faircloth (absent)

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

The minutes of the August 29, 1988, 1:00 and 4:00 meetings were approved.

Mike Mowery, Counsel to the House Judiciary Committee, explained why the rule proposed by the Department of Human Services, Termination of Income Withholding (Amendment to Series 11) had been laid over. He told the Committee that the Department has agreed to modify the proposed rule in accordance with his suggestions so that the proposed rule will comply with the statute.

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

Debra Graham, Committee Counsel reviewed her abstract on the rule proposed by the Department of Agriculture, Animal Disease Control (Series 1) and stated that the Department had agreed to a

minor modification. Gus Douglas, Commissioner of the Department of Agriculture answered questions from the Committee.

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

Ms. Graham reviewed the rule proposed by the Department of Agriculture, Sale and Distribution of Commercial Fertilizer. Commissioner Douglas answered questions from the Committee.

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

Ms. Graham explained that the rules proposed by the Board of Barbers and Beauticians, Series I through VI, had been laid over from the last meeting and that Mr. Burk has an amendment pending to several of the rules. The following persons addressed the Committee regarding the proposed rules: Kay Harbert, formerly with Capital City Beauty College, Fay Hutsenpiller and Sandra Long of Beauty by Shea, Nancy F. Smith, of Little French Beauty Academy, Mr. Angotti, Betty J. Dixon and Ron Brown of the State Board of Barbers and Beauticians, Kay Howard of the Department of Health-Barbers and Beauticians Board, and Beverly Thalman of Wheeling Barber College.

Ms. Pritt moved that the proposed rules lie over until the Committee's December meeting. The motion was adopted.

Ms. Graham explained that the rule proposed by the Department of Energy, Rules and Regulations Pertaining to Abandoned Mine Reclamation had been approved at the Committee's August meeting,

but that the Department had been requested to supply certain information regarding the abandoned mine program. She stated that the information had been distributed. Roger Hall, Department of Energy answered questions regarding the supplied information.

Ms. Graham reviewed the rule proposed by the Department of Health, Water Well Regulations, and stated that the Department has agreed to several minor modifications. Rick Wolford, Office of Environmental Health Services of the Department of Health, answered questions from the Committee. He agreed to modify Section 5 of the proposed rule to allow water well contractors to submit irrevocable letters of credit to the Director of the Department of Health in lieu of bonding.

Mr. Burk 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 Board of Examiners of Psychologists, Penalties and Fees. She pointed out that several of the fees which the Board is attempting to raise are set by statute and therefore can only be changed by legislation. Dr. Jeffrey Harlow, President of the Board, appeared before the Committee and requested that the Board be allowed to modify the rule to impose a fee for oral examinations and a fee for supervision in lieu of increasing the fee for license application and license renewals.

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

Ms. Graham reviewed her abstract on the rule proposed by the Department of Natural Resources, Hazardous Waste Management Regulations. She stated that she had suggested one minor modification where apparently language had been dropped from the proposed rule. She stated that the Department agreed to the modification.

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

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 10-17-88

TIME: 1:00-3:00 p.m.

NAME	Present	Absent	Yeas	Nays
Chambers, Robert "Chuck", Speaker				
Knight, Thomas A.				
Burk, Robert W., Jr.	✓			
Givens, Roy E.	✓			
Pritt, Charlotte	✓			
Larry V. Faircloth				
Murphy, Patrick H.	✓			
Tonkovich, Dan, President				
Tucker, Larry A.	✓			
Boettner, John "Si"				
Harman, C. N.	✓			
Holmes, Darrell E.	✓			
Hylton, Tracy W.	✓			
Tomblin, Earl Ray	✓			
TOTAL				

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Legislative Role-Making Review

DATE: Oct 17, 1988 1:00-3:00 PM.

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
X Fay Hutsenpiller	Beauty By Shea		yes
X Kay Harbert	Elum Beck, W. Va	Somewhatly with Capital City Beauty College	yes
X Sandra Long	St. Albans, 2217 Kan. Ter.	Beauty By Shea	yes
- DeAnna Shea Caldwell	Charleston, 615 Lee St	BEAUTY BY SHEA	yes
X Betty J. Dixon	Huntington, W. Va.	State Board of Barber & Cosmeticians	yes
X Nancy E. Smith	State Board of Barber & Cosmeticians	Little French Bty Deal	yes
X Kay Toward	Health Dept	Health Dept, Barber Board Bd	if needed
X Wayne Stoneheart	Blk. W	Little French	yes
X Edyein Rausch	Chas	Barber Bty	no
X Ken Brown	Chas: Board Barber & Cosmet.	Board, B & B	if need to from job
Dorothy Gilmore	State Capitol	DHS	
X John Yeary	" "	"	
X Mr. R. Daylun		WV DA	?
ROBERT PAU	HEALTH DEPT CHARLESTON	HEALTH DEPT	
V. R. Wilford	ENVIRONMENTAL HEALTH	HEALTH	
X Beverly Sherman	1107 Main Wheeling	Wheeling Barber College	if needed
DR JEFF HARLOW	BOARD OFFICE CROSS 202 GLASS AVE CHARLES	W.V. BOARD OF EXAMINERS OF PSYCHOLOGISTS	

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: _____

DATE: _____

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Raynt Heall	Charlottesville	DOT	

TITLE 17
LEGISLATIVE RULES
PSYCHOLOGISTS

SERIES 1
PENALTIES AND FEES

§17-1-1. General.

1.1. Scope. -- These legislative rules establish the fees for applications, examinations, temporary permits, license renewals and registers and establish the penalties for licensees who do not abide by the Rules and Regulations of the Board.

1.2. Authority. -- W. Va. Code §30-21-6, 7, 8, 9, 10, 13 and 14

1.3. Filing Date. -- June 7, 1985

1.4. Effective Date. -- June 7, 1985

1.5. Repeal of former rule. -- This legislative rule repeals West Virginia Rule "Psychologists, Chapter 30-21, Board of Examiners of Psychologists Rules and Regulations, Chapter 1, Section 5 (Legislative), and Chapter 1, Section 8(a) (Procedural)."

§17-1-2. Summary of fees.

2.1. The following fees were approved by the West Virginia Legislature effective February 29, 1972:

2.1a. Application fee (whether by standard procedure, reciprocity or verification by American Board of Examiners in Professional Psychology diploma): Fifty dollars (\$50.00)

2.1b. Temporary permits: Fifty dollars (\$50.00)

2.1c. License renewal fee (every two (2) years):
Thirty dollars (\$30.00)

2.1d. Registers: ~~Two dollars (\$2.00)~~ ^{TEN} ^{\$10.00}

2.2. The following fee was approved by the West Virginia Legislature effective February 12, 1985:

2.2a. Examination fee: The fee for the Examination for Professional Practice in Psychology will cover the fee established by the American Association of State Psychology Boards plus twenty dollars (\$20.00) for administrative costs. The fee must be paid to the Board at least thirty (30) days prior to the date of the examination.

2.3. All of the above fees are nonrefundable.

~~2.4 ORAL EXAMINATION FEE: \$100~~
~~2.5 SUBSTITUTION FEE: \$50~~

§17-1-3. Penalties.

Failure by licensees to abide by the regulations shall be sufficient grounds to call for investigation by the Board and if found verified shall require revocation of a license as provided in subsection (b), section ten, article twenty-one, chapter thirty of the Code; such infringements shall be subject to the legal remedies provided by sections thirteen and fourteen, article twenty-one, chapter thirty of the West Virginia Code.



STATE OF WEST VIRGINIA

DEPARTMENT OF ENERGY

1615 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-3500

ARCH A. MOORE, JR.
GOVERNOR

October 13, 1988

KENNETH R. FAERBER
COMMISSIONER

Ms. Debra Graham
Counsel
Legislative Rule-Making Review Committee
Room M-438
State Capitol Complex
Charleston, West Virginia 25305

Dear Ms. Graham:

This is in response to your letter of inquiry of September 23, 1988, in which you requested certain information regarding the Department of Energy's Abandoned Mine Land Reclamation program.

Enclosed, please find a copy of administration and construction budgets for each grant year and accompanying expenditure schedules for each. The grants covered are for the time period from 1984 to the present.

Regarding your request for bidding procedures, please be advised that the Department of Energy has not developed specific bidding procedures, but simply subscribes to the bidding procedures established by the Department of Finance and Administration which apply statewide.

Regarding a list of contractors on retainer, you are advised that the Department of Energy has no contractors on retainer.

I trust the enclosed information adequately responds to your inquiry and meets the needs of the Committee. If I can be of further assistance, please feel free to advise.

Sincerely yours,

Roger T. Hall
Administrator

RTH:cc

Attachment

OCT 13 1988

Relative Public Affairs
Comm



WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-438, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

Senator Larry A. Tucker, Co-Chairman
Delegate Thomas A. Knight, Co-Chairman

September 23, 1988

M. E. Mowery, Counsel
Debra A. Graham, Associate Counsel
Marie Nickerson, Receiving Clerk

Mr. Roger Hall, Administrator
Department of Energy
1615 Washington Street, East
Charleston, WV 25311

Dear Mr. Hall:

This is just a reminder regarding the information which the Committee requested at its August 29, 1988, meeting. Prior to its October meeting, the Committee would like you to provide information regarding the budget which the Department of Energy submitted to the Office of Surface Mining, an accounting of the expenditure of money from the abandoned mine reclamation fund, information regarding the bidding procedure and a list of contractors on retainer with the Department. All of the requested information should be for the period of time from when the DOE was formed up to the present.

If you will provide this information to me I will see that it is disseminated prior to the Committee's October meeting.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra A. Graham".

Debra Graham
Counsel

DAG:mgn

08/03/88

GRANT STATUS REPORT

GRANT NO	DESCRIPTION	AWARD	REV ^{12/88} AWARD	EXPENDED	PERFORMANCE PERIOD	STATUS	REMARKS
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REPORT FOR WV

* C

CS101067	AML INVENTORY	643,051	585,527	585,527		CLOSED OUT	
CS110032	FIRST ANNUAL WORK PLAN	1,397,635	131,836	131,836		CLOSED OUT	
CS191175	STATE PLAN	413,479	82,302	82,302		CLOSED OUT	
CS201103	HOLDEN #1	1,000,000	73,553	73,553		CLOSED OUT	
CS201104	MASCHTOWN	218,498	121,045	121,045		CLOSED OUT	
CS201204	DARBY/YEARLINS	1,061,500	399,890	399,890		CLOSED OUT	
CS201592	STONEWOOD/ANKMOORE	1,565,000	1,273,704	1,273,704		CLOSED OUT	
CS201991	BETHLEHEM SHINNSTON	380,552	232,272	232,272		CLOSED OUT	
CS291401	PEACH CREEK	4,645,349	4,515,953	4,515,953		CLOSED OUT	
CS291403	NUTTER FORT	75,000	21,319	21,319		CLOSED OUT	

* B

BS117341	FY 82 ADMINISTRATION	1,109,056	1,693,515	602,631	81/09/01 - 82/09/30	CLOSED OUT	
BS117542	FY 81 CONSTRUCTION	1,346,039	9,159,255	8,952,528	81/08/01 - 85/06/30	CLOSED OUT	
BS127541	FY 83 ADMINISTRATION	2,755,809	1,313,204	1,313,204	82/10/01 - 83/09/30	CLOSED OUT	
BS127549	ACID MINE DRAINAGE	818,050	1,618,050	0	82/05/10 - 88/05/09	ACTIVE	PP EXTENDED TO 89/06/30
BS137542	FY 83 CONSTRUCTION	8,000,000	15,448,534	15,448,533	83/06/01 - 86/07/31	CLOSED OUT	
BS137543	FY 83 RAMP	1,765,000	1,765,000	1,762,663	83/06/01 - 86/08/31	CLOSED OUT	CO EXTENDED TO 87/08/31
BS147541	FY 84 ADMINISTRATION	2,816,402	1,934,402	1,830,331	83/10/01 - 84/09/30	CLOSED OUT	
BS147542	FY 84 CONSTRUCTION	27,197,000	19,377,134	19,362,124	84/01/01 - 88/03/31	CLOSED OUT	
BS137541	FY 85 ADMINISTRATION	4,585,740	4,585,740	3,228,253	84/10/01 - 85/11/30	CLOSED OUT	
BS157542	FY 85 CONSTRUCTION ^{4th}	22,408,745	22,342,322 15,532,250	0	84/11/01 - 87/10/31	ACTIVE	88/09/30 CO EXTENDED TO 88/06/30
BS167541	FY 86 ADMINISTRATION	2,681,021	3,183,181	2,817,121	85/12/01 - 86/09/30	CLOSED OUT	CO EXTENDED TO 87/08/31
BS167542	FY 86 CONSTRUCTION ^{5th}	14,745,045	22,647,951	0	86/05/01 - 89/04/30	ACTIVE	
BR796540	POTOMAC RIVER ^{Cooperative Agre.}	150,000	150,000	0	87/06/04 - 89/12/04	ACTIVE	
BR797541	FY 87 ADMINISTRATION ^{6th}	3,706,449	4,961,570	7,904,792	87/10/01 - 87/09/30	ACTIVE	CO EXTENDED TO 88/07/30
BR797542	FY 87 CONSTRUCTION ^{6th}	12,047,350	16,884,547	0	87/07/01 - 90/06/30	ACTIVE	
BR897541	FY 88 ADMINISTRATION	1,000,000	3,930,679	0	87/10/01 - 88/09/30	ACTIVE	
BR897542	FY 88 CONSTRUCTION ^{7th}	24,145,223	24,145,223	0	88/04/01 - 91/03/31	ACTIVE	
BR897543	FY 88 SUBSIDENCE	375,000	375,000	0	87/10/01 - 88/09/30	ACTIVE	
BR897541	DEUG GRAY ^{CA}	150,000	150,000	0	88/06/15 - 90/06/15	ACTIVE	

? Ready to extend

GRANT	SITE NAME	GRANT APPR	DESIGN FIRM	DESN COST	DESN PROCD	DESN FINAL	PREBID	BIDOPEN	PO NBR	CONTR FIRM	CONTR AMT	PROC DATE	AD	CO'S AMT	NBR CO'S	FNL INSP	FNL COST	DIFFERENCE
1	BENWOOD	7,900		0	/ /	/ /	/ /	10/15/81	6895	SAVAGE	7,900	/ /	N	0	0	/ /	7,900	0
1	CECIL DENT	9,935		0	/ /	/ /	03/23/84	03/27/84	8391	DANNY BRAGO	9,935	05/14/84	S	0	0	06/15/84	9,935	0
1	CENTRAL MIDLAND #1	123,147		0	/ /	/ /	01/11/84	01/31/84	7756	LESTOK	83,371	05/29/84	N	39,776	1	10/31/84	123,147	0
1	DEMOSSE/ACINES	20,588		0	/ /	/ /	/ /	/ /	7812	LESTOK	17,463	/ /	N	3,125	1	07/02/82	20,588	0
1	FAIRMONT #1	2,476,587		0	/ /	/ /	01/26/83	03/01/83	2189	NICHOLSON	2,174,000	05/16/83	N	302,587	1	05/01/84	2,476,587	0
1	GORE MINE DRAINAGE	25,091		0	/ /	/ /	/ /	/ /	8631	A L KING	19,817	/ /	S	5,255	1	10/08/82	25,072	19
1	HARRIS BENNETT	90,065		0	/ /	/ /	01/04/84	01/10/84	7565	ALVAREZ	61,850	03/07/84	N	27,517	1	11/16/84	89,367	698
1	HELEN	3,300,000	BURGESS & NIPLE	23,188	/ /	/ /	06/10/83	07/06/83	3377	VECELLIO	1,558,190	08/09/83	S	78,167	1	10/19/84	1,636,357	1,663,643
1	HOLDEN #1	2,536,699		0	/ /	/ /	06/02/82	07/06/82	8848	VECELLIO	2,362,530	08/18/82	S	174,168	1	06/23/83	2,536,698	1
1	HOLDEN #2	306,228		0	/ /	/ /	02/28/83	03/09/83	2553	G E RAY	295,130	04/11/83	S	11,108	1	08/19/83	306,228	0
1	HOLCEN #2 EROSION CONT.	100,000		0	/ /	/ /	10/24/84	11/08/84	814	MCCOY	59,900	04/01/85	S	0	0	/ /	59,900	40,100
1	MIDLAND AVENUE	419,328	BUCHARD & HORN	9,042	/ /	/ /	10/07/83	10/18/82	6814	UNION BOILER	252,328	04/01/84	S	167,000	1	10/16/84	419,328	0
1	MINDEN GODSEY	1,322,681		0	/ /	/ /	09/09/83	09/27/83	6577	BRUMFIELD	591,618	12/09/83	N	81,063	1	01/04/85	672,681	659,090
1	OHIO AVENUE	26,713		0	/ /	/ /	02/21/82	03/02/82	7821	LANG BROTHERS	26,200	/ /	N	1,513	1	/ /	26,713	0
1	PHICC	38,285		0	/ /	/ /	/ /	/ /	1411	ARMCO	38,285	/ /	S	0	0	04/11/84	38,285	0
1	POINT MASON ROAD	59,323		0	/ /	/ /	/ /	/ /	2945	REPCO	59,323	/ /	N	0	0	08/31/83	59,323	0
1	SWARTZ MINE DRAINAGE	18,455		0	/ /	/ /	06/03/82	06/08/82	8782	L NAVICKI	18,455	/ /	S	0	0	10/16/82	18,455	0
1	THOMAS MINE OPENING	181,750		0	/ /	/ /	11/04/82	11/15/82	1376	ARMSTRONG	119,464	04/04/83	N	62,346	1	05/16/83	181,750	0
1	WOLFE ROCK	244,186		0	/ /	/ /	/ /	/ /	1410	DON AGREEMENT	180,000	/ /	S	64,186	1	06/30/83	244,186	0

TOTAL FOR GRANT NUMBER 1
 NUM 11,306,971 32,230 7,932,699 1,018,811 8,952,510 2,354,461

GRANT	SITE NAME	GRANT APPP	DESIGN FIRM	DESN COST	DESN PROCD	DESN FINAL	PREBID	BIDOPEN	PD NBR	CONTR FIRM	CONTR AMT	PROG DATE	AO	CO'S AMT	NBR CO'S	FNL INSP	FNL COST	DIFFERENCE	
2	BARKER MINE DRAINAGE	307,435	ZENI BRILLING	65,819	07/12/83	04/09/84	05/08/84	05/29/84	8904	ALVAREZ	291,155	10/08/84	N	16,280	2	08/20/85	307,435	0	
2	BIRCHTON	46,122	DOE	0	/ /	01/11/84	02/16/84	02/22/84	8016	GREEN MOUNTAIN	41,450	04/16/84	S	4,672	1	05/17/84	46,122	0	
2	BONNELL LANDSLIDE	249,119	DOE	0	/ /	07/11/84	08/09/84	08/30/84	45	HARMAN	264,860	10/15/84	N	-15,742	1	05/13/85	249,118	1	
2	BRADSHAW REFUSE PILE	2,981,490	SRW	66,185	04/27/83	01/18/84	03/29/84	04/12/84	8103	G E RAY	2,045,000	06/15/84	S	1,107,806	7	05/29/85	3,152,806	-171,316	
2	COX/TAYLOR/IDW/GEORGE	399,877	CTL	18,975	11/17/83	02/10/84	04/24/84	05/10/84	8746	JML	317,375	11/01/84	N	48,795	4	07/14/86	366,170	23,707	
2	CROSS STREET	278,043	D'APPALONIA	3,818	07/24/84	04/24/85	05/14/85	07/10/85	3048	SAVAGE	259,464	09/03/85	N	36,651	1	05/26/86	296,115	-18,072	
2	DINGESS RUN	7,826	DOE	0	/ /	12/08/83	01/31/84	02/07/84	7857	MCCOY	7,395	04/01/84	S	-169	2	04/19/84	7,826	0	
2	EAST LYNN	26,775	BRACKENRICH	5,810	05/17/83	09/20/83	11/02/83	11/09/83	7186	J ADKINS	32,563	03/01/84	S	-5,788	2	03/19/84	26,775	0	
2	GALLOWAY	1,954,264	SCS	0	/ /	12/07/83	01/18/84	03/14/84	7802	J F ALLEN	1,550,975	05/21/84	N	403,289	3	01/15/86	1,954,264	0	
2	GLADE RUN	67,075	CTL	16,798	05/09/83	08/04/83	09/08/83	09/27/83	6576	LESTOK	59,667	10/26/83	N	7,409	1	11/07/84	67,076	-1	
2	GLASSER WILLIAMS PROPERTY	130,829	S & S	24,192	05/03/83	03/27/84	04/25/84	05/15/84	8816	A L KING	133,380	08/13/84	N	-2,552	2	06/18/85	130,828	1	
2	GREENS RUN	359,320	GAI	19,290	06/25/84	01/08/85	03/01/85	03/14/85	2033	GREEN MOUNTAIN	330,888	05/13/85	N	27,432	2	11/21/85	358,320	0	
2	GYPSY FORTALS	61,100	DOE	0	/ /	10/20/83	12/19/83	01/10/84	7618	ALVAREZ	51,100	03/07/84	N	0	0	05/15/84	61,100	0	
2	HURRICANE FORK	70,441	ESMER	14,597	06/09/84	11/26/84	02/15/85	02/21/85	1709	GREEN MOUNTAIN	52,892	04/04/85	S	17,549	2	09/30/85	70,441	0	
2	JUNTOP	24,809	DOE	0	/ /	10/05/83	01/16/83	11/22/83	7355	OSDEN	24,809	03/05/84	N	0	0	05/16/84	24,809	0	
2	KIMBALL	62,307	DOE	0	/ /	12/05/83	01/25/84	01/31/84	7790	A L KING	53,994	04/16/84	S	8,313	2	08/08/84	62,307	0	
2	LITTLE FORK	1,294,225	ACKENHEIL	64,209	04/27/85	11/18/83	01/23/84	02/07/84	7757	BLACK GOLD	507,790	04/16/84	S	786,435	6	05/24/85	1,294,225	0	
2	LORADO MINE DRAINAGE	88,597	ROBINS	12,476	05/02/84	10/25/84	01/21/85	02/05/85	1392	LEWIS A SMITH	87,647	04/01/85	S	950	2	05/31/85	88,597	0	
2	MARRARA SPOIL AREA	206,910	GAI	18,090	06/25/84	01/08/85	03/01/85	03/21/85	2094	HARMAN	182,707	05/20/85	N	24,203	2	11/04/85	206,910	0	
2	MILLTOWN	771,590	BENATEC	40,093	04/21/83	12/23/83	02/21/84	03/05/84	8015	GREEN MOUNTAIN	582,420	05/01/84	S	188,170	2	10/31/84	771,590	0	
2	NORTON	2,893,076	SNELL	149,258	05/05/83	04/02/84	05/16/84	06/12/84	8907	G E RAY	2,554,316	08/06/84	N	339,760	6	07/01/86	2,893,076	0	
2	PAHL/PHILLIPS/LYONS	193,132	CTL	16,995	11/17/83	03/05/84	04/24/84	05/08/84	8723	JML	167,612	07/09/84	N	25,520	2	11/21/85	193,132	0	
2	PIEDMONT/ROOST (RAGLAND)	1,297,805	ROBINS	54,474	04/12/83	02/21/84	04/18/84	05/01/84	8541	VECELLIO	1,440,111	07/15/84	S	-142,306	3	01/02/85	1,297,805	0	
2	ROLFE	17,502	DOE	0	/ /	12/05/83	01/25/84	01/31/84	7789	A L KING	17,502	04/16/84	S	0	0	09/03/84	17,502	0	
2	SKULL HOLLOW	3,415	DOE	0	/ /	12/06/83	/ /	/ /	0	DDH ASBEEKENT	3,415	12/06/83	N	0	0	11/02/84	3,415	0	
2	SUSAR GROVE I	157,435	CTL	14,825	11/17/83	03/26/84	04/24/84	05/10/84	8745	JML	95,696	07/09/84	N	42,370	2	07/14/85	158,066	19,369	
2	SUSAR GROVE II & III	120,262	CTL	15,345	11/17/83	04/09/84	05/02/84	05/29/84	8908	HAPMAN	109,290	07/23/84	N	10,972	1	12/14/84	120,262	0	
2	UPPER BEECH FORK	868,168	GREENHORNE & O'NARA	85,076	01/05/84	12/04/84	02/13/85	03/21/85	1708	GREEN MOUNTAIN	797,155	04/15/85	S	78,917	3	10/29/85	876,072	-7,904	
2	WEST WIDEN C	226,407	TERRA	47,423	04/27/83	04/10/84	05/01/84	05/19/84	8970	NAJESTIC	210,760	03/04/84	S	15,647	3	12/12/84	226,407	0	
2	WYMER/WHITE	260,294	CTL	29,972	06/24/84	11/05/84	01/18/85	02/05/85	1393	GREEN MOUNTAIN	171,492	08/07/85	N	46,679	3	07/14/86	218,171	42,123	
TOTAL FOR GRANT NUMBER 2																			
SUM		15,414,650		784,410							12,456,480			3,070,262			15,526,742	-112,092	

SPANT	SITE NAME	GRANT APPR	DESIGN FIRM	DESN COST	DESN PROCD	DESN FINAL	PREBID	BIDOPEN	PG NBR	CONTR FIRM	CONTR AMT	PROC DATE	AD	CD'S AMT	NBR CD'S	FNL INSP	FNL COST	DIFFERENCE	
6	ACME BF/DUMPR BF	1,114,146	DDE	0	/ /	11/17/87	/ /	10/14/87	928	WAYNE K BAKER	500,000	12/03/87	N	614,146	3	/ /	1,114,146	0	
6	AMNESTIDALE RAMP	100,000	SCS/DDE	0	/ /	03/28/88	04/28/88	05/18/88	1288	BATTLE RIDGE	59,983	07/25/88	S	0	0	/ /	59,983	40,017	
6	BIG SANDY REFUSE	27,000	ACKENHEIL	15,501	10/13/87	04/08/88	07/05/88	07/21/88	1374	PIONEER	33,100	08/26/88	S	0	0	/ /	33,100	-5,100	
5	BIG STICK MINE DUMP	455,000	ESMER	124,925	04/04/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0	
6	BURKE BF/R & R BF	298,204	D'APPALONTA	19,797	07/07/87	01/12/88	05/08/88	03/29/88	1221	PIONEER	278,760	05/05/88	N	0	0	/ /	278,760	19,444	
6	CANEBAVE COMPLEX	925,000	STAFFORD	109,230	11/09/87	08/18/88	09/30/88	10/19/88	1492		0	/ /	S	0	0	/ /	0	0	
6	FATPHILLS PLAZA SUBSIDENC	314,132	DSM/DDE	0	/ /	05/13/88	07/26/88	08/11/88	1401	B B R	239,727	/ /	N	0	0	/ /	239,727	74,405	
6	FARMINGTON SUBSIDENCE	160,600	MICHAEL BAKER	78,442	08/21/87	05/25/88	07/08/88	07/28/88	1367	HOWARD CONCRETE	510,857	/ /	N	0	0	/ /	510,857	-350,257	
6	FOLLOWSEEE DRAINAGE	311,300	GAI	56,131	04/28/87	01/27/88	02/25/88	03/17/88	1204	A L KING	135,278	05/09/88	N	0	0	/ /	135,278	175,022	
6	FORD'S RUN #1	2,141,150	HMBB	80,710	02/24/88	07/18/88	08/31/88	09/14/88	1431	GENERAL PAVING	1,157,007	/ /	N	0	0	/ /	1,157,007	974,143	
5	GYPSY II	45,100	HNT&B	35,323	03/15/88	07/01/88	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0	
6	HAZY CREEK #2 REFUSE	225,000	DDE	0	/ /	06/22/88	07/22/88	08/04/88	1391	BATTLE RIDGE	548,300	/ /	S	0	0	/ /	548,300	-323,300	
6	HUFFMAN ST SUBSIDENCE	1,500,000	GAI	57,772	10/14/87	04/15/88	05/08/88	06/23/88	1320	MCWANE CONCRETE	517,311	08/15/88	N	0	0	/ /	517,311	982,559	
6	ITMAY REFUSE PILE - 4TH	1,512,364	MICHAEL BAKER	0	09/12/85	09/22/86	07/31/86	08/16/86	371	VECELLIO	1,512,564	09/22/86	S	234,054	1	08/02/88	1,746,618	-234,054	
6	JONES AMD	344,300	HNT&B	82,620	11/05/87	06/01/88	07/11/88	08/11/88	1382	A L KING	389,489	09/20/88	N	0	0	/ /	389,489	-45,189	
6	KAREN VANCE AMD	424,518	DDE	0	/ /	03/22/88	04/15/88	05/05/88	1273	HARMAN	128,374	05/20/88	N	11,915	1	/ /	140,289	284,229	
6	KENNEDY SUBSIDENCE	553,850	MICHAEL BAKER	58,215	10/25/87	08/30/88	/ /	/ /	1517		0	/ /	N	0	0	/ /	0	0	
6	LEROY WILMOTH DRAINAGE	58,300	DDE	0	/ /	06/27/88	08/11/88	08/18/88	1400	CHISLER BROTHER	52,579	/ /	N	0	0	/ /	52,579	5,721	
5	LOGAN DRAINAGE	150,000	GAI	50,004	02/04/88	07/18/88	08/29/88	09/14/88	1437	FERRELL	121,396	/ /	S	0	0	/ /	121,396	28,504	
6	MARNET (BOZEWELL) EQUIP	14,000	DDE	0	/ /	01/22/88	05/06/88	05/25/88	1255	G R MARKER	11,750	/ /	S	0	0	09/20/88	11,750	2,250	
6	MASON CO BOND FORFEITURE	498,446	STAFFORD	105,569	06/24/87	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0	
6	MATTHEW SMITH SUBSIDENCE	21,000	DDE	0	/ /	08/28/87	11/19/87	12/02/87	1103	CHISLER BROTHER	17,991	04/11/88	N	8,683	3	06/14/88	26,579	-5,579	
6	MERIDIAN DRAINAGE	732,515	MICHAEL BAKER	55,229	12/22/86	12/15/87	07/17/87	09/07/87	973	EARTHMOVERS	732,514	10/36/87	N	850	1	/ /	733,364	-849	
6	MILLERSVILLE ROAD REFUSE	1,027,050	STAFFORD	35,848	01/26/88	07/01/88	08/16/88	09/01/88	1412	PIONEER	246,301	09/16/88	N	0	0	/ /	246,301	780,749	
6	MUDLICK A & B - 4TH	132,407	ACKENHEIL	1,822	11/19/86	08/19/88	10/29/86	11/05/86	449	J F ALLEN	47,864	12/13/87	N	0	0	05/02/88	47,864	84,543	
6	RIDGEVIEW A & B	500,000	ACKENHEIL	120,875	05/07/87	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0	
6	ROLFE REFUSE PILE	159,000	KGB&W	21,103	05/16/88	07/15/88	08/15/88	08/30/88	1415	G R MARKER	218,141	/ /	S	0	0	/ /	218,141	-59,141	
6	SABINE REFUSE	425,000	BOWMAN/HNT&B	54,670	05/31/88	08/18/88	10/04/88	10/19/88	1509		0	/ /	S	0	0	/ /	0	0	
5	SARAH ANN REFUSE PILE	200,000	KGB&W	39,337	02/08/88	07/18/88	08/29/88	09/14/88	1423	KIMBERLY	93,230	/ /	S	0	0	/ /	93,230	106,770	
6	SCHOFSON MOUND	110,000	KGB&W	27,946	10/15/87	05/05/88	06/28/88	07/14/88	1351	GREEN MOUNTAIN	112,349	09/22/88	N	0	0	/ /	112,349	-2,349	
6	TROY TOWN REFUSE	115,000	ESMER	35,382	10/25/87	07/01/88	08/11/88	08/30/88	1402	MOODY	115,030	/ /	S	0	0	/ /	115,030	-30	
6	TUPPER VALLEY A - 3RD	348,915	BRACKRICH/ACKENHEIL	33,505	03/24/87	01/19/88	02/19/88	03/02/88	1191	BATTLE RIDGE	348,911	04/29/88	S	0	0	/ /	348,911	4	
6	UPPER WHITMAN MINE DUMP	1,175,000	HMBB	78,539	11/09/87	06/17/88	07/18/88	08/03/88	1389	GREEN MOUNTAIN	753,873	09/20/88	S	0	0	/ /	753,873	421,127	
6	WAPWOOD DRAINAGE	386,650	MICHAEL BAKER	66,254	02/01/88	07/01/88	08/17/88	09/01/88	1411	AR & L TRANSFER	175,938	/ /	N	0	0	/ /	175,938	210,712	
6	WHITMAN REFUSE PILE #2	17,500	DDE	0	/ /	05/13/88	07/11/88	07/28/88	1356	GREEN MOUNTAIN	45,118	09/20/88	S	0	0	/ /	45,118	-28,618	
6	WORTHINGTON PORTALS	361,900	DDE/CRONIN	1,207	11/12/87	06/02/88	07/01/88	07/21/88	1370	BATTLE RIDGE	33,690	08/30/88	N	0	0	/ /	33,690	328,210	
TOTAL FOR GRANT NUMBER 6																			
SUM		16,884,547		1,457,743							9,151,424			869,653			10,021,077	3,461,074	

GRANT	SITE NAME	GRANT APPR	DESIGN FIRM	DESN COST	DESN PRCD	DESN FINAL	PREBID	BIDOPEN	PD NBR	CONTR FIRM	CONTR AMT	PRCD DATE	AD	CO'S AMT	NBR CO'S	FNL INSP	FNL COST	DIFFERENCE
7	ACCOVILLE REFUSE	1,286,659	HMBB	80,944	09/01/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	BARRE PA	47,500	L A GATES	15,170	06/01/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	BEAVER Ck HIGHWALL #3	2,341,000	HNT&B	91,464	08/01/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	BERRY BRANCH B	822,000	HMBB	89,377	11/09/87	08/24/88	10/03/88	10/19/88	1493		0	/ /	S	0	0	/ /	0	0
7	BORNEFLAND PORTALS	67,500	EDG	13,336	06/15/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	CEDAR GROVE (TUCKER)	150,898	WOODLPEFT	20,476	07/18/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	CHARLESTON (CAMPRELL)	8,450	KGB&W	0	/ /	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	CLARKSBURG (BELCASTRO)	207,100	WOODLPEFT	23,585	07/15/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	COVEL REFUSE PILE	180,000	ESMER	56,976	09/01/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	DAKOTA REFUSE	699,500	KGB&W	49,495	08/05/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	DORSEY GOWER	202,000	L A GATES	28,230	06/30/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	GLENNA'S RUN REFUSE	657,250	STURM	34,958	01/25/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	GLORIA LEES	42,725	STURM	26,339	01/25/88	02/02/88	03/03/88	09/21/88	1332	EXCAVATION	109,012	/ /	N	0	0	/ /	109,012	-65,287
7	GRALEY LANDSLIDE	106,900	TERRA	11,665	06/10/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	HIGGS BOHAM SUB	176,000	MICHAEL BAKER	65,427	05/11/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	INDUSTRIAL REFUSE	602,226	HMBB	43,891	05/26/88	09/12/88	10/06/88	10/25/88	1520		0	/ /	S	0	0	/ /	0	0
7	KYLE HIGHWALL	133,000	EDG	11,556	06/01/88	08/05/88	09/07/88	09/21/88	1452	SOLD	23,000	/ /	N	0	0	/ /	23,000	110,000
7	LONGACRE REFUSE	3,116,700	ESMER	179,089	05/03/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	MAHAN #2 STRUCTURES	1,355,668	DEE	0	/ /	08/05/88	09/06/88	09/21/88	1359		0	/ /	N	0	0	/ /	0	0
7	MAFFRANCE COMPLEX	332,000	ACKENPEIL	31,315	04/04/88	08/02/88	09/23/88	10/12/88	1454		0	/ /	N	0	0	/ /	0	0
7	MILBURN RED DDB PILE	300,000	STAFFORD	31,485	04/28/88	09/15/88	/ /	/ /	1545		0	/ /	N	0	0	/ /	0	0
7	MORGANTOWN AIRPORT	515,875	GAI	66,349	01/15/88	05/24/88	07/26/88	08/11/88	1337	HAERMAN	405,235	08/29/88	N	0	0	/ /	405,235	110,640
7	MOUNT MORE (SANYER) SUB	390,000	GAI	39,404	04/12/88	07/01/88	08/12/88	08/30/88	1403	RYDER	259,600	/ /	N	0	0	/ /	259,600	130,400
7	MOUNT ZION CHURCH LANDSLIDE	65,332	TERRA	12,392	06/10/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	MUDDY CREEK TISPLE 1	3,420,750	STURM	118,016	05/04/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	NEW HELL BALLPARK BRGE	1,429,000	ACKENPEIL	70,209	08/10/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	NUTTER FORT TRESSLE	316,500	DEE	0	/ /	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	OMAR REFUSE PILE	2,556,000	GAI	0	/ /	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	PRINGLE DRAINAGE	149,000	STURM	26,354	05/11/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	RALEIGH REFUSE PILES	337,500	HMBB	56,649	06/15/88	/ /	/ /	/ /	0		0	/ /	S	0	0	/ /	0	0
7	ROTHWELLE BURNING REFUSE	1,007,500	MICHAEL BAKER	87,479	09/01/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	SMITHLETT DRAINAGE	196,900	HANNAN	19,360	05/27/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	SMITHER CREEK DAM	636,100	HMBB	60,909	04/15/88	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0
7	SUPERIOR HYDRAULICS	338,500	STURM	0	/ /	/ /	/ /	/ /	0		0	/ /	N	0	0	/ /	0	0

TOTAL FOR GRANT NUMBER 7
 NEW 24,145,223 1,461,108 795,847 0 795,847 195,753

4th ADMINISTRATION GRANT
G5157541
10/01/84 - 11/30/85

	BUDGET	ACTUAL
Personnel	\$ 1,021,779.00	\$ 768,635.26
Travel	35,000.00	15,868.65
Equipment	142,600.00	121,425.26
Supplies	41,456.00	27,942.94
Contractual	2,557,023.00	1,682,277.13
Construction	0	0
Other	<u>249,405.00</u>	<u>186,897.77</u>
Total Direct Charges	\$ 4,047,263.00	\$ 2,803,047.01
Indirect Charges	<u>538,477.00</u>	<u>425,206.46</u>
Federal Share	<u>\$ 4,585,740.00</u>	<u>\$ 3,228,253.47</u>

5th ADMINISTRATIVE GRANT
 G5167541
 12/01/85 to 09/30/86

	BUDGET	ACTUAL
Personnel	\$ 843,825.00	\$ 625,018.16
Travel	33,500.00	21,160.19
Equipment	33,250.00	93,392.50
Supplies	55,500.00	42,076.98
Contractual	1,535,371.00	1,562,715.68
Other	<u>179,574.00</u>	<u>127,052.18</u>
Total Direct Charges	\$2,681,020.00	\$2,471,415.69
Indirect Charges	<u>502,160.00</u>	<u>371,948.31</u>
Federal Share	<u>\$3,183,180.00</u>	\$2,843,364.00

Less: SF-269, line c

(Sale of vehicles - \$17,963.00
 Insurance claims 8,280.25
\$26,243.25

26,243.25

\$2,817,120.75

7th ADMINISTRATION GRANT
 GR897541
 10/01/87 - 9/30/88

	BUDGET	*ESTIMATED EXPENDITURES thru June '88
Personnel	\$1,388,914.00	\$ 932,495.35
Travel	29,440.00	29,984.74
Supplies	65,000.00	30,715.59
Contractual	3,473,280.00	1,497,206.10
Equipment	229,862.00	10,092.15
Other	<u>199,600.00</u>	<u>68,457.64</u>
Total Direct	\$5,386,096.00	\$2,568,951.57
Indirect Charges	<u>619,907.00</u>	** <u>554,927.98</u>
Total	\$6,006,003.00	\$3,123,879.55

*Three months expenditure need added - not final

**Estimated

6th ADMINISTRATION GRANT
GR797541
10/01/86 - 9/30/87

	BUDGET	*ESTIMATED EXPENDITURES
Personnel	\$1,131,151.00	\$ 991,736.42
Travel	29,750.00	41,590.33
Supplies	61,000.00	55,999.92
Contractual	2,838,121.00	2,785,764.02
Equipment	78,400.00	111,597.00
Other	<u>150,000.00</u>	<u>318,144.64</u>
Total Direct	\$4,288,422.00	\$4,304,832.33
Indirect Charges	<u>673,148.00</u>	<u>590,043.86</u>
Total	\$4,961,570.00	\$4,894,876.19

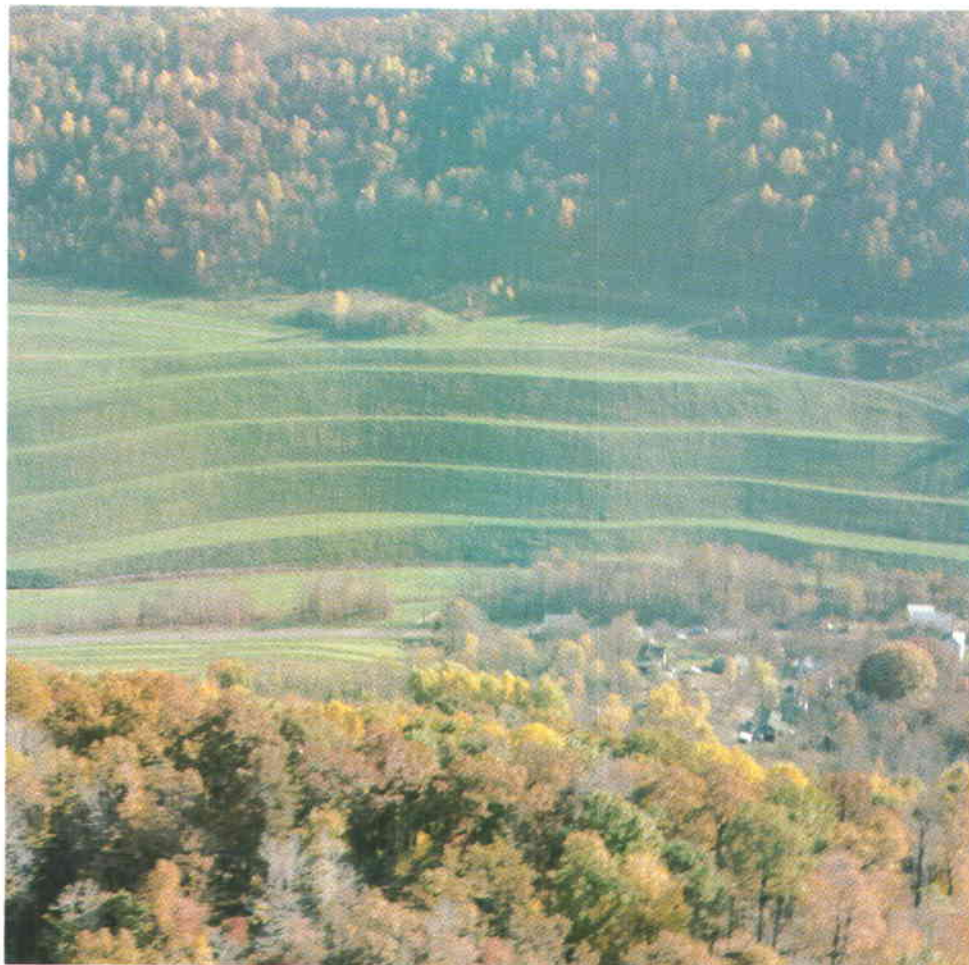
*Not final costs - still in closeout process

West Virginia

Abandoned Mine Lands Program



ARCH A. MOORE, JR.
GOVERNOR



West Virginia Department of Energy

KENNETH R. FAERBER
COMMISSIONER

Foreword

The Department of Energy is extremely proud of its Abandoned Mine Lands program. Through its implementation, the State of West Virginia has benefited immeasurably, by eliminating problems associated with abandoned mine lands and by increasing the aesthetic qualities of the State's landscape.

This publication is intended to acquaint the public with the objectives and accomplishments of the AML program in West Virginia.

The Department encourages the public to provide information relating to abandoned mine lands. Questions, comments and suggestions may be addressed to any of the offices listed below.

West Virginia Department of Energy
Abandoned Mine Lands & Reclamation Division
1615 Washington Street, East
Charleston, West Virginia 25311

Telephone: 304-348-3500
Toll Free: 1-800-648-0274

Philippi Office: 304-457-3219
Oak Hill Office: 304-465-1911

***Cover - The Galloway Coal Refuse Area, in Barbour County ,
an award winning project.***

History of Coal Mining in West Virginia

The first recorded mention of coal in West Virginia was made in 1742 by John Peter Salley who found coal on a river which he named the Coal River. At the beginning of the nineteenth century, the only people using West Virginia coal were the crossroad blacksmiths or pioneers whose cabins happened to be situated near an outcrop, and the earliest mining, for the most part, was done by slave labor.

In 1810, the people of Wheeling began to use coal in their dwellings obtained from a nearby mine, the first in West Virginia. It was not the domestic consumption, however, that gave the greatest impetus to the early development of the coal industry in West Virginia. The two most important factors in the early days were the beginnings of the salt industry and steam navigation on the Ohio, Kanawha and Monongahela Rivers.

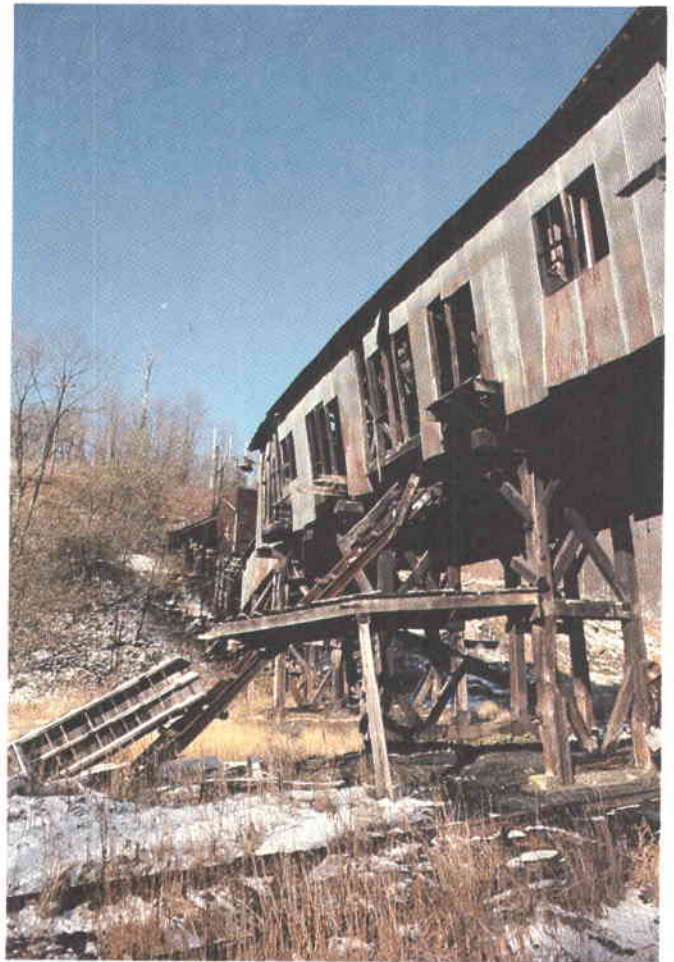
By 1840, mining operations were open in eight of the Virginia counties which later became part of West Virginia. Moreover, the mining of cannel coal, which was distilled to make fuel oil for lamps, rose in a very few years to take the place of salt mining. Another factor which increased the mining of coal was the completion of the Baltimore and Ohio Railroad to Piedmont in Mineral County in 1843. With this event came the shipments of coal from West Virginia to Baltimore and Philadelphia.

The census of 1860 showed that a number of cannel coal oil factories appeared in every coalfield of the state with the possible exception of the eastern panhandle and on the Ohio River; however, the era of relative prosperity and rapid development of the coal mining industry was delayed by the Civil War. By the end of the Civil War, only the Baltimore and Ohio Railroad in the northern part of the state provided an overland outlet either to the east or the west. A change came about in the last thirty years of the nineteenth century with the building of main line railroads in all directions which resulted in the greatest development of coal mining in the state's history. In 1987, West Virginia was the nation's third largest coal producing state with a tonnage of 137,672,276.

More than two-thirds of the state's 24,282 square miles lie within the Appalachian bituminous area and almost 95 percent of the state's extractable minerals is coal. This area in West Virginia is acknowledged to be the most valuable fuel deposit in the United States. The coal areas of West Virginia lie in the ten fields designated, in general, according to geographic location. These ten fields are the Kanawha Field, Fairmont Field, Elkins Field, New River Field, Flat Top-Pocahontas Field, Winding Gulf Field, Logan Field, Williamson Field, Greenbrier Field, and Northern Panhandle Field. Thirty-nine coal producing counties of the state are found in these ten fields.



Salkeld Mine - Barbour County



Burnwell Tipples - Preston County

History of State and Federal Mining Legislation in West Virginia

In 1883, the Legislature of West Virginia enacted its first law pertaining to coal mining. It provided that a qualified mine inspector be appointed by the governor for a period of two years; that he be a resident mining engineer with practical as well as technical knowledge of mining, ventilation, drainage, and safety measures. He was required to make an annual report on the number of mines, number of miners, number of other employees, and give a summary of his activities.

In 1887, the Legislature amended the Act of 1883. The state was divided into two mining districts with an inspector for each. The law provided that if a mine were abandoned, or a section ceased to be worked, a map must be made to show these facts.

In 1890, the sections of the Acts of 1883 and 1887 pertaining to inspection, ventilation, and drainage were rewritten. In 1895, the Legislature amended the Act of 1883 by creating three mining districts. Then in 1899, the Legislature provided for the establishment of three hospitals to care for persons injured in the mines or other industries.



*Peach Creek Refuse Pile
The first AML project approved in West Virginia.*

In 1901, the Legislature amended the Act of 1883, creating five mining districts. In 1905, the West Virginia Department of Mines was established. Its purpose was to enforce all inspection laws under the direction of a chief mine inspector. Then in 1907, the Legislature rewrote the law pertaining to the Department of Mines. The new law imposed a number of new requirements on the operator or owner and his executives.

In 1915, the Legislature amended the Act by increasing the number of mining districts to fifteen. Then, in 1925, the Acts of 1907 and 1915 were amended by increasing the number of mining districts to twenty-five. In 1929, the 1907 Act was further amended to provide for employment of three inspectors by the Department of Mines. These men were to have the same qualifications and receive the same salary as the district inspectors.



Gordon A & B - Extinguishment of burning refuse.

In 1939, the first surface mining control legislation in the United States was enacted in West Virginia. Although limited in scope, it recognized the disruptive environmental impacts associated with surface mining operations. The State Department of Mines was designated as the sole regulatory authority for this Act. Surface mining became regulated in an attempt to prevent soil erosion, accumulation of stagnant pools, contamination of water and destruction of soil for agricultural purposes.

The 1939 legislation was broadened in 1945, 1947, and 1959 with the Department of Mines remaining the only agency responsible for its enforcement. Subsequent amendments and additions in 1961, however, mandated the sharing of these regulatory responsibilities. The statutory obligations to insure that surface mined areas were reclaimed in accordance with the legislative provisions were placed under the Department of Natural Resources and ultimately with the Reclamation, Land and Survey Division. Final responsibility for the enforcement of the reclamation requirements of the statute rested with the Director of the Department of Natural Resources. The Director's authority was limited only to the reclamation aspects of mining and



The Mabscott Project - Reclamation work in an urban setting.



Gordon A & B - Boone County.

was not applicable to ongoing mining operations. At this time, applicants for surface mining permits were required to deposit with the Department of Natural Resources a performance bond in the amount of \$500 per proposed disturbed acre. The bond was to be returned to the applicant upon the completion of acceptable reclamation. Thus, enforcement of surface mining regulations became a dual-agency responsibility with the Department of Mines retaining the principal enforcement authority with regard to active operations. This continued until 1967.

In 1963, the legislation was again amended, and the responsibility of the Reclamation, Land and Survey Division, was significantly expanded. This amendment created a Special Reclamation Fund from which developed a program for the rehabilitation of abandoned surface mined areas. The vehicle for bringing money into the Fund was a special \$30 per acre tax levied against a permit application. This tax was assessed on the basis of projected coal acreage to be mined as indicated in the permit application. In 1971, the tax rate was increased to \$60 per acre. Otherwise, the Fund and the program it financed remained unchanged until 1981.



Darby/Yearling Hollow - Boone County

In 1967, the most significant and encompassing changes occurred to the state's surface mining control legislation since 1939. The surface mining enforcement responsibilities were transferred from the Department of Mines to the Department of Natural Resources, Division of Reclamation. The 1967 legislation also required fifteen day inspections of each active operation throughout the state. This necessitated the expansion of the field staffs and related facilities. In 1969, the Division established regional offices in Philippi and Beckley. At this time, the Division had increased from five enforcement personnel to a staff of approximately twenty.

On November 20, 1968, seventy-eight coal miners were killed in an explosion in the Consolidation Coal Company Number 9 Mine at Farmington, West Virginia. This tragedy was chiefly responsible for the passage of the 1969 Federal Coal Mine Health and Safety Act which had been defeated in Congress the year prior to the disaster. The Act provided,



Upper Grapevine - Extinguishment of burning refuse.

for the first time, mandatory civil penalties for violation of safety regulations, as well as stricter safety and health regulations for the mines. In 1971, the West Virginia Legislature followed the 1969 federal Act and upgraded the State's safety standards. Furthermore, in 1971, the West Virginia Surface Mining and Reclamation Act was dramatically rewritten with very stringent controls on all aspects of surface mining. The provisions of the 1971 amendment included several other things, including a two year moratorium on surface mining in twenty-two counties, criminal sanctions for violation of the provisions, authority for inspectors to cease mining operations immediately upon order, other broad police powers vested in the inspectors, increased bonding requirements to a maximum of \$1,000 per acre and very stringent backfilling and revegetation standards.

In 1974, the Legislature amended the Act to include reclamation of coal mine refuse piles throughout the state. Also, the Act was amended to grant authority to the



The Hurricane Fork Project transformed a burning refuse pile into a contoured landscape.



The Dawmont Project in Harrison County utilized experimental methods to counteract acid problems.



Division for reclamation of deep mining operations. The authority was limited to only those operations which disturbed in excess of four hundred linear feet of coal outcrop. In 1976, the Legislature amended the Act to prohibit the leaving of highwalls.

In 1977, Congress enacted the Surface Mining Control and Reclamation Act (Public Law 95-87). The purpose of the Act was to establish a nationwide program to protect society and the environment from the adverse effects of coal mining, establish minimum national standards for regulating surface coal mining, assist states in developing and implementing regulatory programs, promote reclamation of previously mined areas left without adequate reclamation, and stimulate research and training in mining, mineral resources, and technology.

Title II of the Act established the Office of Surface Mining Reclamation and Enforcement (OSMRE), within the U.S. Department of the Interior, to administer the programs for regulating surface coal mining operations (Title V), and for reclaiming abandoned mine sites (Title IV). Title III authorized the Secretary of the Department of the Interior to conduct research and demonstration projects on mining and mineral resource problems through state research institutes. Title IV created the Abandoned Mine Lands Fund from which OSMRE distributes funds for reclamation projects. Land and water eligible for expenditures from the Fund are those which were mined for coal or affected by coal mining processes and left abandoned or inadequately reclaimed prior to August 3, 1977, the date Public Law 95-87 was signed into law.

The Fund is supported totally by coal operators, who deposit a set reclamation fee based on the tonnage of coal they produce. The fees are 35 cents per ton of surface mined coal, 15 cents per ton of underground mined coal, and 10 cents per ton of lignite. User fees on reclaimed land, donations, and funds from the sale of reclaimed lands are also deposited in the fund.

The Midland Avenue Project was stabilized through the use of a steel piling and concrete lagging retaining wall .



Of the funds collected through this fee, each state or Indian reservation, which has unreclaimed coal mined lands, is eligible to receive 50 percent of the reclamation fees collected in that state or reservation upon approval of the state's regulatory program and reclamation plan by the Secretary of the Interior. The remaining 50 percent of the Fund is distributed among the Rural Abandoned Mine Lands Program administered by the Soil Conservation Service (up to 20%), the Small Operators Assistance Program (10% or 10 million dollars, whichever is less), and the Secretary's Discretionary Fund (20%).

Title V requires that surface coal mine operations meet certain environmental performance standards contained in Public Law 95-87. Surface mine operations include the surface effects of underground coal mines.

The expiration date for fee collection from coal operators under the Surface Mining Control and Reclamation Act (SMCRA) is 1992. When Congress passed SMCRA in 1977, West Virginia already had legislation which had been enacted in 1963 to oversee the surface mining industry. In general terms, the federal laws enacted in 1977 were very similar to West Virginia's laws enacted in 1963 and amended. As expressed in SMCRA, federal requirements for haulageways, sediment control, approved methodology and regrading were nearly identical to the State's regulations. The federal law called for higher fees and bonding, more engineering and pre-planning detail, and a longer bonding period.

In 1978, the State Legislature granted authority for the Director of the Department of Natural Resources (DNR) to expand the existing regulations to comply with SMCRA. This Act basically extended the applicability of the regulations to include underground mining operations. It was during this year also that the Coal Refuse and Dam Control program was transferred to DNR's Division of Reclamation.



The Canyon Lakeside Project reduced acid drainage and substantially improved the aesthetic quality of the shoreline of Cheat Lake, in Monongalia County.



In 1981, the Division of Reclamation had been granted conditional approval by OSMRE for implementing surface mining laws within the state without dual state and federal activity. The inspection and enforcement program and the permitting program continued to carry out the major goals of the Division. The Division's Abandoned Mine Land Program performed a similar function as was conducted under Special Reclamation.

On April 12, 1985, the West Virginia Legislature passed an act creating the West Virginia Department of Energy (DOE). This legislation repealed the 1961 Act which had the State's reclamation program administered by the West Virginia Department of Natural Resources, Division of Reclamation. With passage of the legislation, the functions of the Division of Reclamation were transferred to the Department of Energy. The new act vested jurisdiction and authority in the Commissioner of the Department of Energy to maintain approval by, and receipt of funds from the United States Department of the Interior to accomplish the desired restoration and reclamation of West Virginia's land and water resources. Thus, the Abandoned Mine Lands Program became part of the DOE's functions.



The Minden Refuse Project (left & below), in Fayette County, proved that standard reclamation techniques also work well in the steeper slopes of southern West Virginia.



Completion of the Chief Logan State Park Project greatly expanded the park's recreational facilities.



The AML Reclamation Plan

One of the first steps for a state in acquiring money under SMCRA from the Abandoned Mine Land (AML) Fund is to have its entire regulatory program contained in a plan approved by OSMRE. In its mandate, Congress said nothing about when the AML funds would actually be returned to the individual states. As it turned out, it was more than four years before the first regulatory agencies were able to begin carrying out the reclamation of abandoned mine lands. West Virginia was among the first to be granted regulatory primacy.

In 1980, the State of West Virginia submitted its first AML Reclamation Program Plan to OSMRE. The plan contained two parts. The first part documented the legal authority and programmatic capabilities of the West Virginia Department of Natural Resources to conduct the State's AML reclamation program. This part also contained the criteria for ranking and selecting reclamation projects to be reclaimed with money from the Fund. The second part of the plan identified the areas in West Virginia to be reclaimed, the purposes for reclamation of those areas, and the relationship of the land to be reclaimed to the surrounding areas. Also found in the second part, were the economic, sociologic, and cultural resources of the affected areas. In January, 1981, OSMRE approved West Virginia's AML Plan. This plan is currently being revised.

West Virginia's Grants

Abandoned Mine Lands Reclamation Funds are awarded by OSMRE to the designated state agencies each fiscal year through two kinds of grants, administrative and construction. West Virginia has submitted a grant application, including a budget and a proposed list of projects, each year since 1981.

Prior to 1981, OSMRE and WVDNR, Division of Reclamation entered into cooperative agreements for seven abandoned mine land sites to be reclaimed with federal funds totalling \$6,637,736.

The first construction grant in fiscal year 1981 contained 18 projects for a total amount of \$8,953,320 awarded to West Virginia by OSMRE. Table 1 shows the breakdown per fiscal year of OSMRE construction grant funds spent by West Virginia.

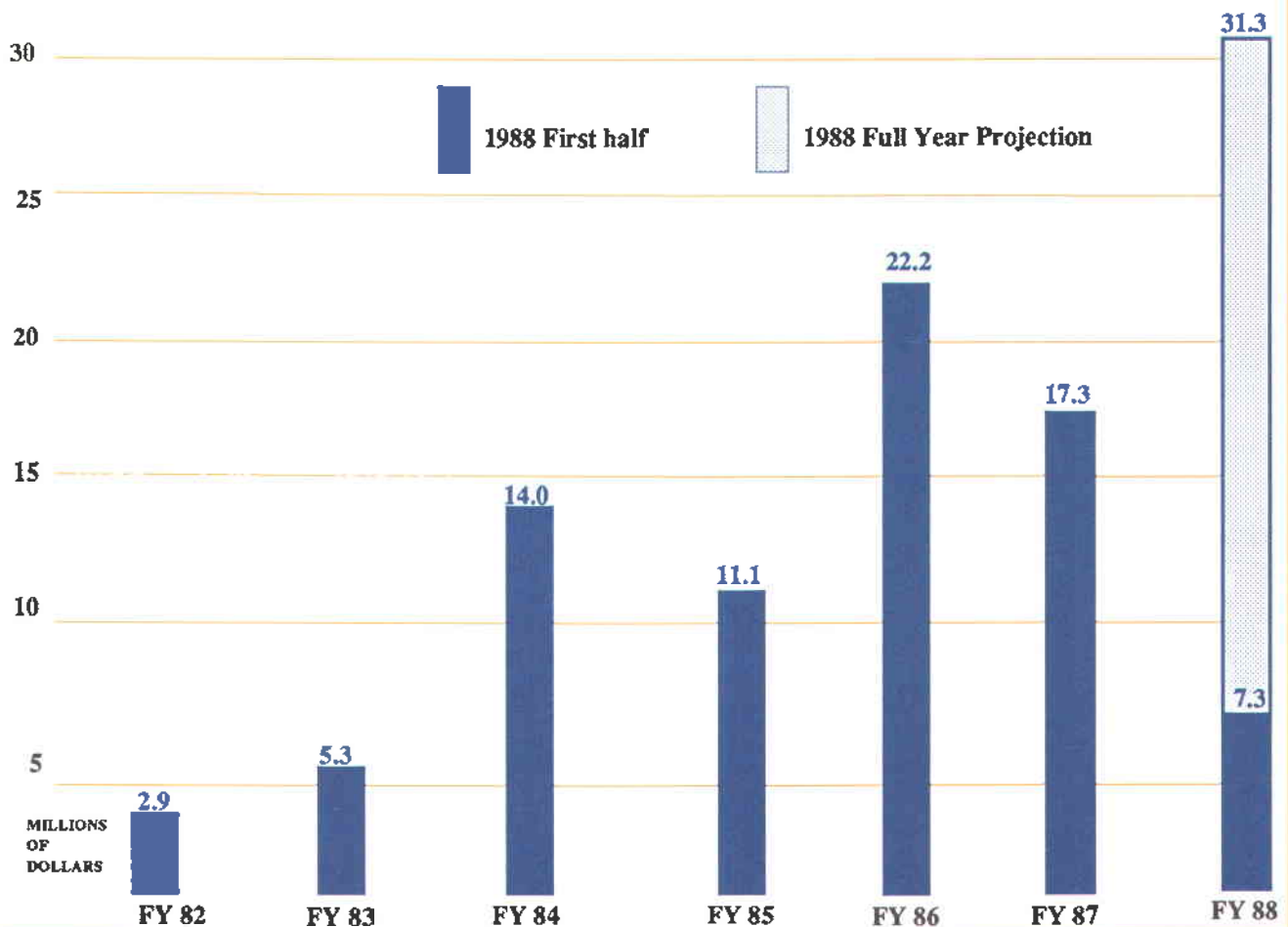
In 1985, the Abandoned Mine Lands Program was transferred to the newly created West Virginia Department of Energy. From 1978 through 1986, West Virginia has received \$101,057,549 from OSMRE, which has been used

to reclaim 333 sites made up of 2,733 total acres of which 250 acres were surface mined and 1,700 acres were of refuse. Also during this period, 429 mine openings were eliminated, 53 refuse fires were abated and 60 subsidence cases were addressed. RAMP funds received and sites reclaimed during this period were \$7,481,185 and 41, respectively, with 330 acres reclaimed.

The AML Program in West Virginia has created thousands of jobs. It is estimated that the expenditure of every one million in grant monies translates into 40 jobs in areas such as construction, labor, equipment and material procurement, and other services. Therefore, since West Virginia, from 1978 through 1986, has received 101 million dollars from OSMRE, it is estimated that this money has created 4,040 jobs in West Virginia. Another interesting statistic during this same time period is that West Virginia coal operators have paid over 190 million into the AML Fund.

The AML Program in West Virginia has received input from other state and federal agencies such as:

Table 1 - AML Construction Grant Contracts Awarded





Peach Creek Refuse - 70 acres of burning refuse



70 acres transformed.

*West Virginia Department of Natural Resources,
 Division of Water Resources
 Division of Wildlife
 West Virginia Department of Commerce
 West Virginia Department of Highways
 West Virginia Department of Culture and History
 West Virginia Air Pollution Control Commission
 West Virginia Attorney General's Office
 West Virginia Solid Waste Disposal Authority
 United States Department of the Interior,
 Office of Surface Mining, Reclamation & Enforcement
 Fish & Wildlife Service
 United States Department of Agriculture,
 Soil Conservation Service
 Forest Service
 United States Department of Labor
 Mine Safety & Health Administration
 United States Environmental Protection Agency
 United States Bureau of Mines
 United States Army Corps of Engineers*

The AML program has also received assistance from the following entities:

*West Virginia Geological and Economic Survey
 West Virginia Mining and Reclamation Association
 West Virginia Coal Association
 Contractor's Association of West Virginia*

The AML Program also receives assistance from the public by conducting public meetings before each grant application is submitted to OSMRE. These public meetings provide an opportunity for any interested parties to comment on proposed reclamation activities. Also, information obtained from public complaints is used in the planning of reclamation activities. Moreover, in an effort to expedite the handling of complaints, a toll free number within West Virginia was established this year at AML's central office in Charleston.

AML Inventory in West Virginia

According to SMCRA, twenty percent of the Abandoned Mine Lands Fund, which OSMRE distributes to the states, is from the Secretary's Discretionary Fund. The money allocated from this fund is derived from a formula based upon a state's historic coal production and its inventory of abandoned mine land problems. Therefore, a state's inventory of abandoned mine land problems is an essential element of the amount of funds it will receive from OSMRE. Furthermore, a state's inventory was originally considered necessary by OSMRE for a state to develop policy, plan the program, plan projects, and monitor and report about the program.

On January 2, 1980, the State of West Virginia entered into a cooperative agreement with OSMRE to accomplish the development and data collection of its inventory to be used in the National Abandoned Mine Lands Inventory. On May 21, 1982, OSMRE notified the WVDNR that the data collection for the National Inventory was accepted and approved. Almost 400 abandoned mine land problem sites were approved by OSMRE.

The State's AML Program has continued collecting data for its inventory each year since the inception of the National AML Inventory. Until this past year, the number of AML sites in the state's inventory was approximately 2,000; however, in 1987, the AML Program emphasized increasing the inventory. As a result, an additional 2,000 AML sites were submitted to OSMRE by the deadline date of July 31, 1987, for a total estimated reclamation cost of approximately 2.3 billion dollars. In the future, the AML program will continue to gather data for its inventory through field reconnaissance by its staff.



The Itmann Project (Wyoming County)

The largest regraded refuse pile yet contracted nationally under the AML program.

Public Law 95-87

Title IV -- Abandoned Mine Reclamation

SEC. 401. (a) There is created on the books of the Treasury of the United States a trust fund to be known as the Abandoned Mine Reclamation Fund which shall be administered by the Secretary of the Interior. State abandoned mine reclamation funds generated by grants from this title shall be established by each State pursuant to an approved State program.

AGENDA

LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

October 17, 1988 - 5:00- 7:00 p.m.

COMMITTEE MEETING HOUSE CHAMBERS

MEETING

1. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Jails (Passed during 1988 Regular Session)
2. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Prisons
3. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Holding Facilities

REVIEW OF LEGISLATIVE RULES

1. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Jails (Passed during 1988 Regular Session)
2. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Prisons
3. WV Jail and Prison Standards Commission - WV Minimum Standards for Construction, Operation and Maintenance of Holding Facilities
4. Dept. of Corrections - Furlough programs for inmates under the custody and control of the Commissioner of the Department of Corrections
5. Dept. of Corrections - Rules and Regulations governing parole supervision

Monday, October 17, 1988

5:00 - 7:00 p.m.

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

Dan Tonkovich,
ex officio nonvoting member

Robert "Chuck" Chambers,
ex officio nonvoting member

Senate

Tucker, Chairman
Boettner (absent)
Holmes
Tomblin
Harman (absent)
Hylton

House

Knight, Chairman (absent)
Givens
Murphy
Pritt
Burk
Faircloth

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

Mr. Tucker stated that during the first part of the meeting the Committee would accept public comment regarding the rules proposed by the WV Jail and Prison Standards Commission, WV Minimum Standards for Construction, Operation and Maintenance of Prisons and WV Minimum Standards for Construction, Operation and Maintenance of Holding Facilities and WV Minimum Standards for Construction, Operation and Maintenance of Jails adopted by the Legislature during the 1988 Legislative Session. The following persons offered comments to the Committee: Jim Sago, Donald L. Bayer, Charles B. Clendening, Garland H. Moore, Eugene R. Elkins, Greg Wagner, Harry Skip Morris, Lonnie Mullins and John Tominack.

Mr. William Whyte, Executive Assistant, Department of Corrections, addressed the proposed sets of rules and stated that the Jail and Prisons Standards Commission had some of the same

concerns as those who had just spoken. He stated that the Commission spent 18 months putting the standards together but would be willing to take a further look at the standards and revise them, if necessary. Mr. Whyte answered questions from the Committee.

Mr. Givens moved that the aforementioned rules as well as the rules proposed by the Department of Corrections, Furlough Programs for Inmates Under the Custody and Control of the Commissioner of the Department of Corrections and Rules and Regulations Governing Parole Supervision lie over until the December meeting. The motion was adopted.

The meeting was adjourned.

ROLL CALL - LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

DATE: 10-17-88

TIME: 5:00 - 7:00 PM.

NAME	Present	Absent	Yeas	Nays
Chambers, Robert "Chuck", Speaker				
Knight, Thomas A.				
Burk, Robert W., Jr.	✓			
Givens, Roy E.	✓			
PRIET, Charlotte	✓			
Larry V. Faircloth	✓			
Murphy, Patrick H.	✓			
Tonkovich, Dan, President				
Tucker, Larry A.	✓			
Boettner, John "Si"				
Harman, C. N.				
Holmes, Darrell E.	✓			
Hylton, Tracy W.	✓			
Tomblin, Earl Ray	✓			
TOTAL				

RE: _____

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: Rule Making Review

DATE: Oct. 17, 1988 5:00-7:00 PM

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly JAMES H. CARUTHERS	PO BOX 33 POCA WV 25159	PUTNAM COUNTY COMMISSIONERS	
JIM SAGO	PT 2 Box 117 RIVESVILLE WV	MARION COUNTY COMMISSIONERS	X
Richard L. Bonne H	Weston W. Va.	Lewis Co. Commission	
Gerald Stansler	Weston W. Va.	Lewis Co. Comm.	
Jim Anderson	Weston, W. V.	Lewis Co. Commission	
Jim Halkley	Weston, WV	Lewis Co. Commission	
William M. Musie	Martinsburg	Berkeley's Sheriff	
Douglas R. Bayne	Martinsburg	Berkeley Co. W. Va. Comm.	X
Charles B. Newkum	P.O. Box 267 ^{Charleston}	Jefferson Co. Comm.	X
David Oak	PO BOX 250 Charleston	" " "	
Joseph H. Hood	P.O. Box 250 Charles ^{ton}	" " "	X
W. B. Ann Ziebarter, Jr	Berkeley Springs, W. Va.	Morgan Co. Comm.	
Eugene R. Elkins	Charleston	W. Va. Assoc. of Counties	X
Betty Hill	Fairmont, W. Va.	Marion County Commission	
J. Brown Norton	Paulsboro, W. V.	Morgan County Commission	
Arthur L. McKenzie	Wheeling, WV.	Sheriff, Ohio County	
Greg Wagner	Huntington	Facilities Review Panel	X
W. B. & B. Smith	Huntington	Morgan Co. Comm.	

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

COMMITTEE: _____

DATE: _____

NAME	ADDRESS	REPRESENTING	PLEASE CHECK (X) IF YOU DESIRE TO MAKE A STATEMENT
Please print or write plainly			
Thomas J. Stevens	Dule 308 405 Capitol St. Charleston WV	WV Sheriff's Assn.	
Gerald L. Chapin	Box 299 Belmont WV 25600		
James R. Welch	Box 421 Kenilworth WV 25674	" " "	
Henry Skip Morris	Bldg. 5 Room 1017 Char. WV	Board of Risk & Ins. Mgr.	X
John			
LONNIE MULLINS	518 Chestnut St HINTON, WV	Summers Co Commission	X
Fred Holt MD	3109 Mac Circle NW SE Charleston 25304	WV Regional Jail Authority	
Jay Barnett	P.O. Box 572 Sutton, W. Va.	w/la Regional Jail Authority Branston Co Sheriff	
Pat Gent	20 Madison Hills Madison WV	Boone County Comm	
W.R. Willyte	Bldg. 4 Capitol Complex " " "	Dept of Correc. Dept of Correc. / Standards Council	
Howard P. ...	Cen	Regional Jail - Prison Auth	
John Tomasco			X

~~Bill White~~

SUPREME COURT OF APPEALS
STATE OF WEST VIRGINIA

JUVENILE JUSTICE COMMITTEE
FACILITY REVIEW PANEL



E-400 STATE CAPITOL
CHARLESTON 25305
304/348-3649

PREPARED STATEMENT OF GREGORY WAGNER, M.D., MEMBER
WEST VIRGINIA JAIL AND PRISON STANDARDS COMMISSION

October 17, 1988

WEST VIRGINIA LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Dear Committee Members:

My name is Greg Wagner, M.D., a faculty member of the Marshall University School of Medicine and a member of the West Virginia Jail and Prison Standards Commission.

The West Virginia Jail and Prison Standards Commission was established by the legislature in 1985 and is codified in W. Va. Code, §31-20-8 and 31-20-9. The eleven members include sheriffs (2), county commissioners (3), and representatives from the Facilities Review Panel (1), the Department of Corrections (1), the Department of Health (1), the State Fire Marshal (1), the Department of Human Services (1), and the Department of Education (1).

Once appointed, the Standards Commission worked diligently over many months in order to develop standards for West Virginia jails, prisons and temporary holding facilities. As a result, three manuals have been developed which represent the Commission's best thinking on

these subjects. The requirements are grounded in statutory law as well as Federal and State case law, the United States Constitution, existing standards promulgated by, but not limited to, the National Sheriffs Association, the American Correctional Association and the American Bar Association. Requirements are also mandated by the National Fire Protection Association (NFPA), the Building Official and Code Administrators Association (BOCA) and the West Virginia Department of Health.

The West Virginia Standards like many other existing standards are entitled Minimum Standards, meaning they represent reasonable and meaningful standards for correctional facilities and not a "wish list" of niceties that do not relate to the real world, a world where lawabiding taxpayers must ultimately pay the bills necessary to finance the operations of jails, prisons, and holding facilities.

In my inspections of jails across West Virginia I have heard several complaints concerning the standards. The first complaint concerns the requirement to transport inmates from regional jails to local jails for visiting. The second concerns exercise requirements for holding facilities.

Concerning the transportation issue, the West Virginia Jail Standards contains no language requiring inmates to be transported back to their home jurisdiction for visiting. This reference is contained in West Virginia Code, §31-20-5. A close examination of the law leads one to conclude that the reference to transportation is not mandatory, but discretionary. I believe that no one on the Standards Commission would want to force unnecessary transportation costs on regional jails. That requirement would surely cause serious financial problems for counties participating in the new regional jail system.

Concerning the need for recreational space, the Holding Facilities Standards do not mandate extensive or expensive requirements for recreation. The standards simply state at 8.20 Exercise Space that an exercise space shall be available to allow large muscle exercise. The exercise space can be located in or out of the jail.

Most jurisdictions, if they elect to operate a temporary holding facility, will simply convert existing jail facilities to temporary holding facilities. The Standards Commission, at no time, envisioned jurisdictions having to maintain both a regional jail and a full-service county jail.

The requirements outlined in the Holding Facilities are reasonable and can be met in existing facilities.

I hope this information has been helpful and I am prepared to answer any of your questions.

Gregory Wagner