

MAY 16



Monday, May 16, 2005

10:00 a.m. to 12:00 p.m.

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

Earl Ray Tomblin
ex officio nonvoting member

Robert "Bob" Kiss
ex officio nonvoting member

Senate

House

Minard, Chairman
Fanning, Vice Chair
Prezioso
Unger
Boley
Minear

Mahan, Chairman
Palumbo, Vice Chair
Cann
Pino
Armstead
Overington

Absent

Absent

The meeting was called to order by Ms. Mahan, Chairman.

The minutes of the February 6, 2005 and February 8, 2005, meetings were approved.

Joe Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the **Division of Air Quality, Nox Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Non-Electric Generating Units as a Means of Mitigate Transport of Ozone Precursors, 42CSR1**, and responded to questions from the Committee.

Jim Mason, Division of Air Quality, responded to questions from the Committee.

Mr. Fanning requested a list of facilities participating in the NOx Budget Trading Program and tonnage allowances allocated to each facility every year, and the cost of each allowance.

Joe Dawley, Department of Environmental Protection, responded to questions from the Committee and told Mr. Fanning that he would provide the requested information.

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

Rita Pauley, Associate Counsel, explained her abstract on the rule proposed by the **Office of Miners' Health, Safety and Training, Rules Governing Safety Provisions for Clearing Crews, 56CSR2**, stated that the Board has agreed to technical modifications and responded to questions from the Committee.

Terry Keen, Surface Mine Inspector, with the Office of Miners' Health, Safety and Training responded to questions from the Committee.

Mr. Dawley responded to questions from the Committee.

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

The meeting was adjourned.

MAY INTERIM ATTENDANCE
Legislative Interim Meetings
May 15, 16 and 17, 2005

Monday, May 16, 2005

10:00 a.m. - 12:00 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	✓
Minear	_____

Mahan, Chair	✓
Palumbo, Vice Chair	✓
Cann	✓
Pino	✓
Armstead	_____
Overington	✓

Minutes 2/4/2005 & 2/8/2005 approved

Air Quality 42CSR1

Joe explained & responded to questions

Jim Mason, AQ responded to questions

Fanning wants info on Ob's and their credits.

Joe Dahley responded to questions

Office of Mines Health Safety & Training

R. Fa explained & responded to questions

Terry King, Surface Mine Inspector responded to questions.

Dahley, responded to q's

Mineral
 Approved ces mal
 adopted

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Senate

House

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

Mahan, Chair ✓
 Palumbo, Vice Chair ✓
 Cann ✓
 Pino ✓
 Armstead _____
 Overington ✓

Mahan called meeting to order

Minutes of Feb 6, 2005 & Feb. 8, 2005 approved

Air Quality 42 CSR1 Joe explained & answered questions
 Jim Mason w/ DEP-DAO responded to questions
 Fanning requested info on credits of COs
 Joe Dawley w/ DEP responded to questions

Mines Health, Safety & Training 56(SR2 Rita Explained & answered ques
 Terry Keen w/ WV MHSIT (Surface Mine Inspector) responded to ques
 Joe Dawley responded to questions

Meeting adjourned

Minard moved
 approve

Minard moved
 approve
 Mas
 notified

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Legislative Rule-Making Review Committee

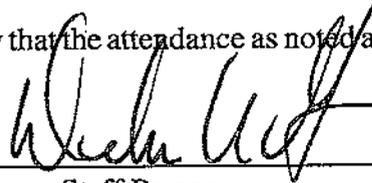
Earl Ray Tomblin, ex
officio nonvoting member _____

Robert S. Kiss, ex
officio nonvoting member _____

Senate
Minard, Chair
Fanning, Vice Chair
Prezioso
Unger
Boley
Minear _____

House
Mahan, Chair
Palumbo, Vice Chair
Cann
Pino
Armstead _____
Overington

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.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, May 16, 2005
10:00 a.m. to 12:00 p.m.
Senate Finance Committee Room M-451

1. **Approval of Minutes** - Meetings of February 6, 2005 and February 8, 2005

2. **Review of Legislative Rules:**
 - a. **Air Quality, Division of - DEP**
Nox Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Non-Electric Generating Units as a Means of Mitigate Transport of Ozone Precursors
42CSR1
 - **Approve**

 - b. **Miners' Health, Safety and Training, Office of**
Rules Governing Safety Provisions for Clearing Crews
56CSR2
 - **Approve as Modified**

3. **Other Business**

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42CSR1
 - b. **Miners' Health, Safety and Training, Office of**
Rules Governing Safety Provisions for Clearing Crews
56CSR2
3. **Other Business**

REGISTRATION OF PUBLIC
AT
COMMITTEE MEETINGS
WEST VIRGINIA LEGISLATURE

Committee: LRMCC

Date: 5-16-05

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please check (X) if you desire to make a statement.
Terry Keen	429-8100	WV DMHS ET	
Jim Mason	926 0999 ex 1000	WV DEP DAQ	
Joe Dawkey	926 0499 X1512	WV DEP	