

JANUARY 7

Sunday, January 7, 2007

6:00 p.m. to 8:00 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
Minear

Mahan, Chairman
Palumbo, Vice Chair
Cann
Pino
Armstead
Overington

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

The minutes of the December 10, 11 and 12, 2006, meeting were approved.

Joe Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the, **DEP - Office of Explosives and Blasting, West Virginia Explosives and Blasting Rule, 199CSR1**, stated that the Office has agreed to technical modifications and responded to questions from the Committee.

Ms. Mahan moved that the proposed rule be approved as modified.

Bill Raney with the Coal Association responded to questions from the Committee.

The motion was adopted.

Debra Graham, Chief Counsel, explained her abstract on the rule proposed by the, **Department of Health and Human Resources, Vital Statistics, 64CSR32**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Eric Thompson, State Registrar, responded to questions from the Committee.

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

Ms. Graham reviewed her abstract on the rule proposed by the, **Division of Human Services, Family Child Care Facility Licensing Requirements, 78CSR18**, and stated that the Division has agreed to technical modifications.

Ms. Mahan moved that the proposed rule be approved as modified.

Mr. Armstead asked that he be excused from voting under Rule 49. The Chairman excused Mr. Armstead from voting.

The motion was adopted.

Ms. Graham reviewed her abstract on the rule proposed by the, **Division of Human Services, Informal and Relative Family Child Care Home Registration Requirements, 78CSR20**, stated that the Division has agreed to technical modifications and responded to questions from the Committee.

Ms. Mahan moved that the proposed rule be approved as modified.

Mr. Armstead asked that he be excused from voting under Rule 49. The Chairman excused Mr. Armstead from voting.

The motion was adopted.

Brian Skinner, Associate Counsel, explained his abstract on the rule proposed by the, **Office of Miner's Health, Safety and Training, Emergency Rules Governing Protective Clothing and Equipment, 54CSR4**, and stated that the Office has agreed to technical modifications.

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

Mr. Skinner reviewed his abstract on the rule proposed by the, **Office of Miner's Health, Safety and Training, Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians, 48CSR7**, and stated that the Office has agreed to technical modifications.

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

Connie Bowling, Associate Counsel, explained her abstract on the rule proposed by the, **Bureau of Employment Programs, Rules that Prohibit Agencies from Granting, Issuing, or Renewing Approval Documents with Employing Units in Default with the Bureau of Employment Programs, 96CSR1**, stated that the Bureau has agreed to

technical modifications and responded to questions from the Committee.

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

Rita Pauley, Associate Counsel, explained her abstract on the rule proposed by the, **WV Racing Commission, Thoroughbred Racing, 178CSR1**, and stated that the Commission has agreed to technical modifications.

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

Ms. Pauley reviewed her abstract on the rule proposed by the, **WV Regional Jail and Correctional Facility Authority, Criteria and Procedures for Determination of Projected Cost Per Day for Inmates Incarcerated in Regional Jail and Operated by the Authority, 94CSR7**, stated that the Authority has agreed to technical modifications and responded to questions from the Committee.

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

Mr. Skinner explained his abstract on the rule proposed by the, **Division of Homeland Security and Emergency Management, Mine and Industrial Accident Rapid Response System, 170CSR1**, and stated that the Division has agreed to technical modifications.

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

Mr. Skinner reviewed his abstract on the rule proposed by the, **Department of Administration, Purchasing, 148CSR1**, stated that the Department has agreed to technical modifications and responded to questions from the Committee.

Glen McEndree, Executive Director for the WV Association of Rehabilitation Facilities, addressed the Committee.

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

Ms. Bowling explained her abstract on the rule proposed by the, **WV Pharmaceutical Cost Management Council, Pharmaceutical Advertising Expense Reporting, 206CSR1**, stated that the Council has agreed to technical modifications and responded to questions from the Committee.

Angela Vance, Assistant State Director for Advocacy with AARP, addressed the Committee.

Ms. Mahan moved that the proposed rule be approved as modified.

Mr. Fanning moved to amend the proposed rule on page 2, section 3.1, line 1, by striking out the words "After the effective date of these rules" and inserting in lieu thereof the words "Effective July 1, 2008".

Shana Phares with the Pharmaceutical Cost Management Council responded to questions from the Committee.

Philip Reale with the Pharmaceutical Manufacture's of America addressed the Committee.

Mr. Fanning's motion was adopted.

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

The meeting was adjourned.

JANUARY INTERIM ATTENDANCE
Legislative Interim Meetings
January 7, 8 and 9, 2007

Sunday, January 7, 2007

6:00 pm - 8:00 pm

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

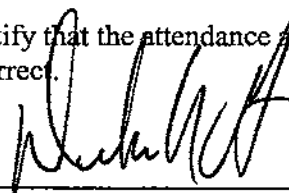
✓
✓
✓
✓
✓
✓

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 ASAP, due to payroll deadline.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Sunday, January 7, 2006
6:00 p.m. and 8:00 p.m.
Senate Finance Committee Room

1. **Approval of Minutes** - Meetings of December 10, 11 and 12, 2006
2. **Review of Legislative Rules:**
 - a. **Explosives and Blasting, Office of - DEP**
West Virginia Explosives and Blasting Rule, 199CSR1
 - b. **Health and Human Resources, Department of**
Vital Statistics, 64CSR32
 - c. **Human Services, Division of**
Family Child Care Facility Licensing Requirements, 78CSR18
 - d. **Human Services, Division of**
Informal and Relative Family Child Care Home Registration Requirements, 78CSR20
 - e. **Miners Health, Safety and Training, Office of**
Emergency Rules Governing Protective Clothing and Equipment, 54CSR4
 - f. **Miners Health, Safety and Training, Office of**
Rules and Regulations Governing the Standards for Certification of Coal Mine Electricians, 48CSR7
 - g. **Employment Programs, Bureau of**
Rules that Prohibit Agencies from Granting, Issuing, or Renewing Approval Documents with Employing Units in Default with the Bureau of Employment Programs, 96CSR1
 - h. **Racing Commission**
Thoroughbred Racing, 178CSR1
 - i. **Regional Jail & Correctional Facility Authority, WV**
Criteria and Procedures for Determination of Projected Cost Per Day for Inmates Incarcerated in Regional Jail & Correctional Facility Authority, 94CSR7
 - j. **Homeland Security and Emergency Management, Division of**
Mine and Industrial Accident Rapid Response System, 170CSR1

k. **Administration, Department of**
Purchasing, 148CSR1

• Laid Over

l. **Pharmaceutical Cost Management Council, WV**
Pharmaceutical Advertising Expense Reporting, 206CSR1

3. **Other Business**

JANUARY INTERIM ATTENDANCE

Legislative Interim Meetings

January 7, 8 & 9, 2007

Sunday, January 7, 2007

6:00 p.m. - 8:00 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 Dec 10, 11, 12 approved
Office of Explosives and Blasting

Mahan

Joe explained

Approve as mod

Bill Raney, Coal Assn responded to questions

Mines Health Safety & Training - Protective Clothing

Brian explained

Mahan

Approve as modified

Mines Health - Electricians

Brian explained

Employment Programs

Mahan

Connie explained & responded to questions

Stacy Commission - Thoroughbred Racing
Pete explained
Approve as mod

Mahan

Regional Jail & Correctional Fee - Out for inmates
Pete explained & responded to questions
Approve as mod.

Mahan

Homeland Security - Misc & Industrial
Brian explained
Approve as mod

Mahan

Administration - Purchasing
Brian explained posture of the proposed rule
Glenn Mahan's address the C
Approve as mod.

Mahan

Pharmaceutical Cost Mgt Council
Connie explained posture of the rule & responded to q's
Angela Vance, ARRP addressed the C
Approve as mod

Mahan

Change internal reporting date to July 1, 2008 adopted
Phyllis
Phil Steele
Approve as mod & amended

Fanning
Mahan

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Sunday, January 7, 2006
6:00 p.m. and 8:00 p.m.
Senate Finance Committee Room

1. **Approval of Minutes** - Meetings of December 10, 11 and 12, 2006
2. **Review of Legislative Rules:**

*Approved ✓
as modified*

Explosives and Blasting, Office of - DEP
West Virginia Explosives and Blasting Rule, 199CSR1

- Approve as Modified

*Approved ✓
as modified*

Health and Human Resources, Department of
Vital Statistics, 64CSR32

- Approved as Modified

*Approved ✓
as modified*

Human Services, Division of
Family Child Care Facility Licensing Requirements, 78CSR18

- Approve as Modified

*Approved ✓
as modified*

Human Services, Division of
Informal and Relative Family Child Care Home Registration
Requirements, 78CSR20

- Approve as Modified

*Approved ✓
as modified*

Miners Health, Safety and Training, Office of
Emergency Rules Governing Protective Clothing and Equipment,
54CSR4

- Approve as Modified

*Approved ✓
as modified*

Miners Health, Safety and Training, Office of
Rules and Regulations Governing the Standards for
Certification of Coal Mine Electricians, 48CSR7

- Approve as Modified

*Approved ✓
as modified*

Employment Programs, Bureau of
Rules that Prohibit Agencies from Granting, Issuing, or
Renewing Approval Documents with Employing Units in Default
with the Bureau of Employment Programs, 96CSR1

- Approve as Modified

Approved as modified

Racing Commission
Thoroughbred Racing, 178CSR1

- Approve as Modified

Approved as modified

Regional Jail & Correctional Facility Authority, WV
Criteria and Procedures for Determination of Projected Cost Per Day for Inmates Incarcerated in Regional Jail & Correctional Facility Authority, 94CSR7

- Approve as Modified

Approved as modified

Homeland Security and Emergency Management, Division of
Mine and Industrial Accident Rapid Response System, 170CSR1

- Approve as Modified

Approved as modified

Administration, Department of
Purchasing, 148CSR1

- Laid Over
- Approve as Modified

Approved as modified & amended

1. **Pharmaceutical Cost Management Council, WV**
Pharmaceutical Advertising Expense Reporting, 206CSR1

- Approve as Modified

3. **Other Business**

JANUARY INTERIM ATTENDANCE

Legislative Interim Meetings

January 7, 8 & 9, 2007

Sunday, January 7, 2007

6:00 p.m. - 8:00 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 ✓

Minard called meeting to order.
Delegate Mahan moved minutes of 12/10, 11 & 12/06
Minutes Approved

- Explosives : Blasting 199CSR1
JOE explained & responded to ?'s
Mahan Moved as modified
Bill Ramey w/ Coal Association responded to ?'s
Motion adopted
- DHHR 64CSR32
Debra explained & responded to ?'s
Eric Thompson, State Registrar, responded to ?'s
Mahan moved as modified
Motion adopted

- Human Services 78CSR18

Debra explained

Mahar moved as modified

Del. Armstead moved to be excused from voting
So excused

Motion adopted

- Human Services 78CSR 20

Debra explained & responded to ?'s

Mahar moved as modified

Del. Armstead moved to be excused from voting
So excused

Motion adopted

- Miner's Health, Safety & Training 54CSR4

Brian explained

Mahar moved as modified

Motion adopted

- Miner's Health, Safety & Training 48CSR7

Brian explained

Mahar moved as modified

Motion adopted

- Employment Programs 96CSR1
Connie explained & responded to 7's
Mahaw moved as modified
motion adopted

⑦ - Racing Commission 178CSR1
Rita explained
Mahaw moved as modified
motion adopted

- Regional Jail 94CSR7
Rita explained & responded to 7's
Mahaw moved as modified
motion adopted

- Homeland Security 170CSR1
Brian explained
Mahaw moved as modified
motion adopted

- Administration 148 CSRI

Brian explained & responded to ?'s

Pat Pino addressed Committee

Glen McEndree addressed the Committee

Mahan moved as modified
motion adopted

- Pharmaceutical 206 CSRI

Connie explained & responded to ?'s

Angela Vance, AARP, Asst. State Dir for Advocacy,
addressed the Committee

Mahan moved rule as modified

Jamminey ^{moved} Amendment to move ^{July} May 2008 recording ^{time} frame

Shana Phares responded to questions

Phil Reale, addressed the Committee
motion adopted

Motion adopted - modified & amended

Mahan moved to adjourn
motion adopted

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 1-7-06

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement
Item K Glenn McEndree	P.O. Box 745, Justice, WV	WVAF	If needed Item K
" Tim Morris	511 Morris Street Charleston WV 25301	WVAF	If needed
Pharm Angela Vance	300 Summers St, Suite Charleston, WV 25301 ⁴⁰⁰	AARP	X Item L
Phil Reale	1206 Virginia St E Suite 202 Charleston, WV 25301	PhRMA	Item L (if needed)

JANUARY 8

Monday, January 8, 2007

9:00 a.m. to 11:00 a.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
Minear

Absent
Absent

Mahan, Chairman
Palumbo, Vice Chair
Cann
Pino
Armstead
Overington
Absent

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

Joe Altizer, Associate Counsel, reviewed his abstract on the rule proposed by the, **DEP - Office of Oil and Gas, Coalbed Methane Wells Rule, 35CSR3**, stated that the Office has agreed to technical modifications and responded to questions from the Committee.

Mr. Palumbo 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, **Division of Rehabilitation Services, Case Services, 130CSR1**.

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

Mr. Skinner reviewed his abstract on the rule proposed by the, **Division of Rehabilitation Services, Resources Manual, 130CSR2**.

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

Rita Pauley, Associate Counsel, explained her abstract on the rule proposed by the, **Library Commission, Library Commission Administrative Regulations, 173CSR1**, stated that the Commission has agreed to technical modifications and responded to questions from the Committee.

James Wagner, Commissioner of the WV Library Commission responded to questions from the Committee.

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

Mr. Altizer reviewed his abstract on the rule proposed by the, **DEP - Office of Water Resources, WV/NPDES Rules for Coal Mining Facilities, 47CSR30**, and stated that the Office has agreed to technical modifications.

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

Mr. Altizer explained his abstract on the rule proposed by the, **DEP - Office of Water Resources, Rules for Individual State Certification of Activities Requiring a Federal Permit, 47CSR5A** and responded to questions from the Committee.

Stephanie Timmermyer, Cabinet Secretary for DEP, responded to questions from the Committee.

Chris Hamilton, WV Coal Association, addressed the Committee and responded to questions.

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

Mr. Altizer explained his abstract on the rule proposed by the, **DEP - Office of Water and Waste Management, Standards for Beneficial Use of Filtrate from Water Treatment Plants, 33CSR9**, stated that the Office has agreed to technical modifications and responded to questions.

Lisa McClung, Director for the Office of Water and Waste Management, responded to questions from the Committee.

John Morgan with the Department of Environmental Protection, responded to questions from the Committee.

Sam Gray, Governmental and Regulatory Affairs Manager for West Virginia American Water, responded to questions from the Committee.

Randolph Pankiewicz, Environmental Compliance Manager for West Virginia American Water, responded to questions from the Committee.

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

Mr. Palumbo moved to amend the rule on page 14, section 10.1.b., by striking the proviso at the end of the paragraph, inserting a period and the following sentence:

"The filtrate shall be monitored each time the water treatment plant processing procedure is changed, otherwise the filtrate shall be monitored once a year." And, on page 17, by striking Appendix A of the rule in its entirety.

The motion was adopted.

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

Mr. Altizer reviewed his abstract on the rule proposed by the, DEP - **Secretary's Office, Antidegradation Implementation Procedures, 60CSR5**, stated that the Office has agreed to technical modifications and responded to questions from the Committee.

Ms. Timmermyer responded to questions from the Committee.

Larry Orr, Gentleman Flyfisher with WV Council of Trout Unlimited, addressed the Committee.

Max Robertson with the Kanawha Valley Trout Unlimited addressed the Committee.

John P. David, Ph.D., Commissioner with the Page-Kincaid Public Service District, addressed the Committee.

Eli McCoy, Ph.D., on behalf of the Antidegradation Coalition, addressed the Committee.

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

Mr. Altizer explained his abstract on the rule proposed by the, DEP - **Secretary's Office, Requirements Governing Water Quality Standards, 47CSR2**, and responded to questions from the Committee.

Mr. Palumbo moved that the proposed rule be approved.

Corky Demarko, Executive Director with the Board of Natural Gas, responded to questions from the Committee.

The motion was adopted.

Mr. Minard moved that staff be directed to prepare the report and bills of authorization for introduction. The motion was adopted.

The meeting was adjourned.

JANUARY INTERIM ATTENDANCE
Legislative Interim Meetings
January 7, 8 and 9, 2007

Monday, January 8, 2007

9:00 am - 11:00 am

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 ASAP, due to payroll deadline.

JANUARY INTERIM ATTENDANCE

Legislative Interim Meetings

January 7, 8 & 9, 2007

Monday, January 8, 2007

9:00 a.m. - 11:00 a.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 ✓

Oil & Gas - Coalbed Methane

Joe explained & responded to questions

Palumbo

Approve as mod

Rehab - Case Studies

Brian explained

Palumbo

Approve

Rehab - Resources Manual

Brian explained

Palumbo

Approved

Water Resources

Library Commission - Admin Regs

Rita explained & responded to q's

Jamie Wagner WV Library C responded to q's

Approve as mod. Motion "No"

Palumbo

Water Resources - WVPDES

Joe explained

Approve as mod

Palumbo

Water Resources - Indiv State Act

Joe explained

Cab Sec - Stephanie Timmerman responded to q's

Chris Hamilton, Coal Act

Water & Waste Mgt

~~Tests for Beneficial Use~~ ↑

Lisa McClung, DEP

John Morgan, DEP

Sam Gray, WV Am HED

Approve as mod

Amend - testing once every yr unless process changed

Mirand

Palumbo

P

Approve as mod & amended

Secretary's Off - Antideg.

Joe explained

Cab. Sec

Long Off - Trout unlimited

Max Robertson, Kan U. Chapter Trout Unlimited addressed
the C

John Davidson

Eli McCoy

P

Approve as mod.

Water Resources - H₂O Quality Stats

Joe explained & responded to questions.

Corky Demarko

P

Approve

Minard Draft final report & bills.

TENTATIVE AGENDA
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE
Monday, January 8, 2006
9:00 a.m. and 11:00 a.m.
Senate Judiciary Committee Room

1. Review of Legislative Rules:

Approved *as modified*

Oil and Gas, Office of - DEP
Coalbed Methane Wells Rule, 35CSR3

- Approve as Modified

Approved

Rehabilitation Services, WV Division of
Case Services, 130CSR1

- Approve

Approved

Rehabilitation Services, WV Division of
Resources Manual, 130CSR2

- Approve

Approved *as modified*

Water Resources, Office of - DEP
WV/NPDES Rules for Coal Mining Facilities, 47CSR30

- Approve as Modified

Approve

Water Resources, Office of - DEP
Rules for Individual State Certification of Activities
Requiring a Federal Permit, 47CSR5A

- Approve

Approve *as modified and amended*

Water and Waste Management, Division of - DEP
Standards for Beneficial Use of Filtrate from Water
Treatment Plants, 33CSR9

- Approve as Modified

Approve *as modified*

Secretary's Office - DEP
Antidegradation Implementation Procedures, 60CSR5

- Approve as Modified

Approved n.
Water Resources, Office of - DEP
Requirements Governing Water Quality Standards, 47CSR2

- Approve

Approved ✓
as mod. red
Library Commission
Library Commission Administrative Regulations, 173CSR1

- Approve as Modified

3. Other Business

JANUARY INTERIM ATTENDANCE

Legislative Interim Meetings

January 7, 8 & 9, 2007

Monday, January 8, 2007

9:00 a.m. - 11:00 a.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 ✓

Del. Mahan called meeting to order

- *Oil & Gas 35CSR3
Joe explained & responded to ?'s
Palumbo moved as modified
Motion adopted*
- *Rehab 130CSR1
Brian explained
Palumbo moved as approved
motion adopted*
- *Rehab 130CSR2
Brian explained
Palumbo moved as approved
motion adopted*

- Library 173CSR1

Rita explained & responded to ?'s

James Wagner, Commissioner, w/Lib. Commission^{ers} responded to questions from the Committee

Palumbo moved as modified motion adopted

- Water 47CSR30

Joe explained

Palumbo moved as modified motion adopted

- Water 47CSR5A

Joe explained & responded to ?'s

Stephanie Timmermyer responded to ?'s

Chris Hamilton, WV Coal Assn., addressed the Committee

& responded to questions

Palumbo moved rule motion adopted

- Water 33CSR9

Joe explained & responded to ?'s

Lisa McClung w/DEP responded to ?'s

John Morgan w/DEP responded to ?'s

Sam Gray, WV American Water responded to ?'s

Randolph Pankiewicz, WV American Water, responded to ?'s

Minaud moved rule as modified motion adopted

Del. Palumbo amendment to 1 a year unless
amendment adopted

Palumbo moved as modified and amend.
motion adopted

- Secretary's Office 40 CSR 5

Joe explained & responded to ?'s

Stephanie Timmermyer, Secretary-DEP, responded
to ?'s from Committee

Larry Ore, WV Council of Trout Unlimited, addressed
the Committee ?

Max Robertson Kanawha Valley Trout Unlimited,
addressed the Committee

John David, Commissioner / CASE-KINCAD PUBLIC SERVICE DISTRICT

Minard moved rule as modified

Eli McCoy, Antideg Coalition

Palumbo moved as modified
motion adopted

- Water 41 CSR 2

Joe explained & responded to ?'s

^{Palumbo}
~~Minard~~ moved ~~rule~~ ~~as modified~~

Corky Demarko, Ex. Dir. ^{with} Board of Natural Gas

responded to questions

motion adopted

- motion to draft report & bills
motion adopted

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 1.8.07

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
✓ James D. Waggoner	1900 Kanawha Blvd. E Charleston, WV 25305	Library Commission	
Becky Kessler	One Bridge Place 10 Hall St, Suite 205 Charleston, WV 25301	Law Office of Larry H. O'Neal	
✓ MATE WENDLER	410 CENTRE AVE OAK HILL, WV	Fayette Co Comm.	
✓ LARRY ORR	109 HILLCREST AVE ELKVIEW, WV 25071	LWV COUNCIL TROUT UNLIMITED	X
Max Robertson	916 Echo Rd S. Chas, WV 25303	Kanawha Valley Chapt TU	X on 2.5 Loop Creek
John David	Box 165 Kincaid, WV 25119	Page Kincaid PSD	"

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 1-8-07

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
Rosa Hanshaw	190 KANAWHA BLVD CHAR	WVDA	

REGISTRATION OF PUBLIC
AT COMMITTEE MEETINGS

WEST VIRGINIA LEGISLATURE

Committee: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Date: 1-8-08

Please print or write plainly.

NAME	ADDRESS	REPRESENTING	Please mark with an (X) if you desire to make a statement.
DON GARVIN	2206 Washington St. E Charleston	WV Environmental Council	

Changes- 16.1.a.2.- This rule in favor of “these regulations”

Provisos rules; first proviso is “Provided: that”.

New subsection 1. Change current 16-1-b. to 16.1.b.2.

16.1.b. 1. Providing necessary records.

The establishment of a special field requires sharing of some information an applicant may perceive as a trade secret with the secretary and other participants in the special field. Because this information is necessary for the establishment and management of a special field, the voluntary submission of an application to participate in or establish a special field rule is a limited waiver of the protections of the state freedom of information act [W Va Code §29-1-1 et seq.]. This waiver is limited by and for the purposes contained in subsection 16.1.b.2 of this rule.

As always this is a suggestion. There may be better ways to do this if anyone can come up with it. Joe

Trout Waters & Antidegradation Information Sheet

TROUT WATERS

47CSR2, *Requirements Governing Water Quality Standards* provides a definition, and a representative list, of trout waters (a.k.a the Appendix A or B2 list). Trout are sensitive aquatic organisms that are afforded more stringent water quality criteria to ensure their protection.

47CSR2 defines trout waters as “streams or stream segments which sustain year-round trout populations. Excluded are those streams or stream segments which receive annual stockings of trout but which do not support year-round trout populations.”

In short, if a water is known to support trout year-round, it will receive trout water protection, regardless of whether it is listed on Appendix A. Legislation in the 2007 session proposes to increase the list of trout waters from 165 to 496.

ANTIDEGRADATION

Antidegradation provisions are a federally required component of a state’s water quality standards. The state’s antidegradation policy is found within 47CSR2 and the actual antidegradation requirements are set forth in 60CSR5, *Antidegradation Implementation Procedures*. The basic premise is to ensure that the state’s high quality waters are appropriately protected and that all waters’ existing uses are maintained. Certain exceptions are allowed if there are important social or economic reasons for allowing degradation. WV’s antidegradation regulations allow for differing levels of protection - Tier1, 2, 2.5 and 3.

Tier 1 - Protection of Existing Uses

Applies to all waters. Existing water uses must be protected.

Tier 2 - High Quality Waters

Default level of protection. This level allows for degradation of a stream’s assimilative capacity by 10% or more. At higher than 10%, applicant must demonstrate an important economic and social need.

Tier 2.5 - Waters of Special Concern (444 streams originally proposed, which included naturally reproducing trout streams, reference streams determined to be of significant high quality by DEP sampling efforts, and waters on public lands with high biological scores; currently 309 waters proposed for Tier 2.5 protection)

No degradation greater than 10% use of assimilative capacity allowed.

Tier 3 - Outstanding Natural Resource Waters

No degradation

Notes:

- **Regardless of the level of protection under antidegradation, those streams meeting the definition of trout water and/or listed on the B2 list are afforded a higher water quality standard.**
- **In no circumstances may degradation be permitted that would result in a water quality violation for the stream.**

**COMMENTS OF THE
ANTIDEGRADATION COALITION
REGARDING
ANTIDEGRADATION IMPLEMENTATION PROCEDURES
60 C.S.R. 5**

July 10, 2006

I. INTRODUCTION

The Antidegradation Coalition is a consortium of businesses, trade associations and interested persons who are concerned about the proposed revisions by the West Virginia Department of Environmental Protection (DEP) to Title 60, Series 5 of the West Virginia Code of State Regulations, *Antidegradation Implementation Procedures*. The Antidegradation Coalition has been involved in the development of the antidegradation implementation procedures from the time the rule was first adopted, through the litigation that followed adoption of the rule, and the ongoing attempt to add a large number of streams to the Waters of Special Concern that are designated Tier 2.5. The Antidegradation Coalition believes that the DEP is making a serious error in the manner in which it is proceeding with its rule and urges the DEP to reconsider its proposal.

II. COMMENTS

A. The DEP has failed to justify any additions to the Tier 2.5 list in the proposed rule.

The DEP has proposed deleting the process for initial listing of Tier 2.5 waters found at Section 6.2, and has proposed the following language in its place: "Currently listed Tier 2.5 waters are included in Appendix A to this rule. Subsequent additions or deletions from Appendix A shall be in accordance with subsection 8.1." Appendix A contains hundreds of streams that are listed as Tier 2.5 waters.

The Antidegradation Coalition fundamentally disagrees with the approach of the DEP to the additions proposed for Appendix A. We believe that Tier 2.5 Waters of Special Concern should be designated only after careful deliberation and a conclusion that they are particularly deserving of protection against development. Other than Watkins Run, the stream in Preston County that went through the Section 8.1 listing process and was approved by the Legislature as a Water of Special Concern 2006 (*See* 47 C.S.R. 2-4.1.c.1), there is no stream that has been through this type of thoughtful analysis.

By doing away with current Section 6.2, the DEP is effectively conceding that it does not have a presumptive list of Tier 2.5 streams. That is appropriate, because Tier 2.5 determinations are too important to make without considering each stream individually, and the need for it to receive a Tier 2.5 designation. The state's water quality standards already include protections in the form of criteria that is protective of the uses that are present in state waters, and the Tier 2 antidegradation requirements already prevent a greater than a 10% change in water quality without review by the DEP. In the case of trout streams, that means that the stringent Category B2 cold water criteria, which are set to be protective of reproducing trout, will always apply regardless of whether there is a Tier 2.5 designation. Given this protection for trout and other cold water species, it is difficult to see why development along a stream that is currently protected in such a fashion should be prevented by means of a Tier 2.5 designation.

B. The DEP has not justified the addition of many of the streams to the Tier 2.5 list.

The DEP has never fully complied with the requirements of section 8.1 which, among other things, require the DEP to identify: the impact of the Tier 2.55 designation on private property owners (§ 8.1.2.A); the existing water quality (§ 8.1.2.E); or the impact on economic development in the area (§ 8.1.a.2.G). In particular we remain concerned that the justification for adding the naturally-reproducing trout streams has fallen far short of what is required by the rule. In response to Freedom of Information Act the DEP provided the documents from the Division of Natural Resources upon which it relied in listing trout streams in the water quality standards. See 47 C.S.R. 2, Appendix A. When one looks at the supporting documentation, one finds that it is often very old and provides nothing conclusive with regard to reproductive activity. For example, the Fall Run of Left Fork, Code KE-98-C-14, was surveyed on September 12, 1977 by biologist D. Ramsey. Parallel wire shocking revealed seven brook trout, but there is no indication as to whether they were reproducing in that stream or merely inhabiting it, or how long trout had been there, nor is there any indication as to whether they had been stocked in that location. In other words, unless the DEP has other data it is not providing in its Antidegradation Tier 2.5 position paper, it is relying upon data that, in this case, is almost 30 years old and that provides no conclusive evidence as to whether the stream qualifies as a reproducing trout stream. In addition, there is no indication from these data whether the listing will have an impact on private property owners, whether the interest of all affected parties have been adequately represented, the impact on economic development, or any of the other factors the DEP is required to consider.

III. CONCLUSION

The process followed by the DEP was procedurally flawed and has resulted in listing of streams for which there is limited or no evidence that they qualify as Tier 2.5 waters. Consequently, the Antidegradation Coalition urges the DEP to withdraw Appendix A as proposed and resubmit the rule, with the intention of determining next year which streams, if any, truly warrant Tier 2.5 protection.

**Karen S. Price, On Behalf of
ANTIDEGRADATION COALITION**

**Contractors of West Virginia
West Virginia Farm Bureau
West Virginia Forestry Association
West Virginia Coal Association
West Virginia Manufacturers Association
West Virginia Hospitality and Tourism Association
West Virginia Chamber of Commerce
West Virginia Business and Industry Council
Independent Oil and Natural Gas Association
West Virginia Oil and Natural Gas Association
West Virginia Petroleum Council
West Virginia Municipal League**

**PROPOSED COMMENTS OF THE
ANTIDEGRADATION COALITION**
Regarding
ANTIDEGRADATION IMPLEMENTATION PROCEDURES
60 C.S.R. 5

January 8, 2007
Presented by Laidley Eli McCoy

Ms.(r) Chairman, members of the committee, thank you for the opportunity to offer comments before you today on the topic of antidegradation.

My name is Laidley Eli McCoy. I am currently employed by Potesta & Associates, Inc., an engineering and environmental consulting firm. In my former professional life, I spent 18 years in various positions in the West Virginia Department of Environmental Protection (WVDEP) and its predecessor agency the Department of Natural Resources, where my final position was Director of the WVDEP.

I am here today to present to you the concerns of the Antidegradation Coalition (Coalition) relative to the rule package you have before you for consideration. The Antidegradation Coalition consists of several West Virginia organizations that are concerned about how the Antidegradation Program for this state is implemented. The Coalition has been involved in this matter from the program's inception. We are here today because our legitimate concerns have not been given the consideration they deserve.

First let me tell you what we are **not** attempting to do. We are not attempting to remove protection from our trout streams. We are not attempting to prevent implementation of the Antidegradation Program.

The proposed Tier 2.5 listing is a duplicative program, designed to afford additional protected status to reproducing trout streams, which is not needed. The current Water Quality Standards have specific criteria designed to be protective of trout. Our concerns relate to the way in which streams have initially been selected for inclusion on the Tier 2.5 list and the way in which new streams can be added.

Many of the proposed Tier 2.5 listings before you today are based on limited data that were collected many years ago. The use of aged or incomplete data should not be used to advance a candidate stream for Tier 2.5 listing. We believe that the initial list of Tier 2.5 streams being proposed in this rule should be reduced in scope or eliminated until WVDEP has measures in place to demonstrate that the streams being advanced for Tier 2.5 status meet the standard for inclusion on the list and that future proposed listings undergo a similar review and proposal process. Asking that our regulatory and resource agencies utilize reliable data is not an unreasonable position to advance.

The Coalition reaffirms our willingness to continue working with the agencies on this issue, with the goal of developing a method to make valid Tier 2.5 determinations. We believe that a study group should be established to address the Tier 2.5 listing questions and to resolve inconsistencies between the Antidegradation and Water Quality Standard definitions of trout streams.

I have attached the Coalition's comments which have been submitted to WVDEP on this Tier 2.5 issue before. We are asking that the rule not be forwarded from this committee with a recommendation that it be considered favorably by subsequent committees.

Thank you for your consideration in this matter.

**KEYSER - MINERAL COUNTY LIBRARY**

105 NORTH MAIN STREET
KEYSER, WEST VIRGINIA 26726
304-788-3222

January 4, 2007

Dear Legislative Rule-Making Review Committee Members,

I am writing to you to express the concerns of the Keyser-Mineral County Library Board regarding the proposed changes to the Library Commission Administrative Regulations. This is item 1 on your agenda for Monday January 8th, also referenced at 173CSR1.

My particular concern is the method chosen to stimulate an increase in local funding for libraries. The proposed regulations would require local funds to match state funds. If a match is not made libraries would loose state funds. For example, if a library's state aid is \$100 but their local funds are only \$75, then the library would only receive \$75 in state funding. (Section 4.3)

Funding at the local level, particularly in rural areas, depends almost entirely upon establishing and maintaining excellent working relationships with the local government officials. The funding regulations, as currently proposed, threaten those whose support we need most with fewer services and a decreased library presence. While I appreciate the intent of the WVLC to assist libraries, the funding requirement is unrealistic. Based on 2006 WVLC statistics, it is a goal 34 of 97 libraries would not be able to meet. This includes the Keyser-Mineral County Library,

When I explained to the County Commission President, who has been instrumental in increasing library funding this past year, that local tax-based funds may need to increase significantly to avoid cuts in state funds, she said, "I can't give you what I don't have.

As an alternative, I suggest that the match of local funds to state funds be reduced to 50% of state funding rather than a dollar for dollar match. Again, based on 2006 WVLC statistics, this is a goal 86 of 97 libraries would be able to meet.

I understand that the intent of the revised regulations is to improve library service to West Virginians. It is a goal all librarians share. The Library Commission is asking for support from the library community for the revised regulations. Frankly, it is difficult for the Keyser-Mineral County Library to support any regulations that could be financially detrimental to the library and as a result decrease services to our community.

Thank you vry much for your time and attention.

Sincerely yours,

Connie Sutton
Director

Keyser-Mineral County Library

WVLC 2006 Library Statistic Current State Grants-in-Aid is \$4.01 per capita. Those in red do not match the current state aid with local funds

Name of Library	Library System Service Population	Local Operating Funds - City	Local Operating Funds -County Commission	Local Operating Funds - Board of Education	Total Local Government Funds	Local tax funds per capita	Other Local Operating Funds	Total Local Operating Income	Total Local Per Capita
Alderson Public Library	4,319	\$3,680	\$4,100	\$1,250	\$9,030	\$2.09	\$3,634	\$12,664	2.93
Belington Public Library	6,612	\$3,500	\$1,500	\$0	\$5,000	\$0.76	\$7,776	\$12,776	1.93
Bolivar-Harpers Ferry Public Library	14,063	\$11,557	\$34,000	\$3,000	\$48,557	\$3.45	\$4,010	\$52,567	3.74
Boone-Madison Public Library	25,535	\$2,000	\$118,212	\$5,000	\$125,212	\$4.90	\$5,319	\$130,531	5.11
Bridgeport Public Library	7,306	\$387,666	\$14,290	\$13,961	\$415,917	\$56.93	\$41,231	\$457,148	62.57
Brooke County Public Library	21,672	\$3,495	\$88,500	\$0,600	\$92,595	\$4.27	\$72,074	\$164,669	7.60
Buffalo Creek Memorial Library	11,525	\$1,000	\$0	\$8,000	\$9,000	\$0.78	\$3,361	\$12,361	1.07
Burnsville Public Library	3,769	\$0,500	\$2,500	\$2,000	\$5,000	\$1.33	\$4,572	\$9,572	2.54
Cabell County Public Library	96,784	\$14,000	\$1,096,360	\$1,015,305	\$2,125,665	\$21.96	\$200,520	\$2,326,185	24.03
Calhoun County Public Library	7,582	\$0	\$0	\$41,610	\$41,610	\$5.49	\$6,888	\$48,498	6.40
Capon Bridge Public Library	4,341	\$0	\$30,890	\$0	\$30,890	\$7.12	\$4,978	\$35,868	8.26
Chapmanville Public Library	11,355	\$3,000	\$0	\$12,000	\$15,000	\$1.32	\$9,750	\$24,750	2.18
Charles W. Gibson Public Library	5,725	\$61,078	\$0	\$0	\$61,078	\$10.67	\$3,634	\$64,712	11.30

Clarksburg-Harrison Co. Public Library	56,898	\$118,310	\$89,172	\$87,120	\$294,602	\$5.18	\$51,675	\$346,277	6.09
Clay County Public Library	10,330	\$0	\$0,187	\$0	\$0,187	\$0.02	\$3,027	\$3,214	0.31
Cowen Public Library	4,538	\$0	\$1,500	\$10,000	\$11,500	\$2.53	\$11,876	\$23,376	5.15
Craft Memorial Library	50,380	\$60,000	\$25,000	\$20,000	\$105,000	\$2.08	\$46,131	\$151,131	3.00
Craigsville Public Library	8,854	\$0	\$8,000	\$10,000	\$18,000	\$2.03	\$9,632	\$27,632	3.12
Doddridge County Public Library	7,403	\$0	\$97,442	\$2,000	\$99,442	\$13.43	\$6,304	\$105,746	14.28
Dora Bee Woodyard Memorial Library	5,873	\$0	\$0	\$84,392	\$84,392	\$14.37	\$18,347	\$102,739	17.49
Elkins-Randolph Public Library	13,548	\$19,000	\$10,000	N/A	\$29,000	\$2.14	\$45,135	\$74,135	5.47
Fayette County Public Library	47,579	\$12,700	\$330,674	\$16,500	\$359,874	\$7.56	\$8,593	\$368,467	7.74
Five Rivers Public Library	4,136	\$2,896	\$0	\$1,500	\$4,396	\$1.06	\$9,440	\$13,836	3.35
Gassaway Public Library	5,467	\$1,000	\$2,000	\$2,000	\$5,000	\$0.91	\$2,838	\$7,838	1.43
Gilmer Public Library	7,160	\$0,500	\$34,207	N/A	\$34,707	\$4.85	\$7,976	\$42,683	5.96
Grant County Public Library	11,299	\$0	\$81,321	\$0	\$81,321	\$7.20	\$7,557	\$88,878	7.87
Greenbrier County Public Library	7,953	\$45,000	\$7,600	\$1,250	\$53,850	\$6.77	\$46,095	\$99,945	12.57
Hamlin-Lincoln County Public Library	22,108	\$4,338	\$41,500	\$71,307	\$117,145	\$5.30	\$4,546	\$121,691	5.50
Hampshire County Public Library	15,862	\$0	\$104,743	\$8,515	\$113,258	\$7.14	\$31,452	\$144,710	9.12

Hardy County Public Library	12,669	\$5,672	\$64,205	\$11,160	\$81,037	\$6.40	\$19,807	\$100,844	7.96
Helvetia Public Library	3,659	\$0	\$4,000	\$0	\$4,000	\$1.09	\$2,680	\$6,680	1.83
Hundred Public Library	3,112	\$0,350	\$1,500	\$1,500	\$3,350	\$1.08	\$1,500	\$4,850	1.56
Jackson County Public Library	28,000	\$7,000	\$168,069	\$33,764	\$208,833	\$7.46	\$68,060	\$276,893	9.89
Kanawha County Public Library	181,356	\$807,523	\$2,344,307	\$2,345,950	\$5,497,780	\$30.31	\$176,422	\$5,674,202	31.29
Keyser-Mineral County Public Library	25,661	\$5,000	\$40,032	\$10,000	\$55,032	\$2.14	\$30,177	\$85,209	3.32
Kingwood Public Library	17,600	\$50,875	\$0	\$0	\$50,875	\$2.89	\$14,015	\$64,890	3.69
Logan Area Public Library	14,830	\$0	\$0	\$8,000	\$8,000	\$0.54	\$6,507	\$14,507	0.98
Louis Bennett Public Library	16,919	\$0	\$47,584	\$25,000	\$72,584	\$4.29	\$10,925	\$83,509	4.94
Lowe Public Library	2,295	\$3,000	\$10,832	\$10,583	\$24,415	\$10.64	\$11,812	\$36,227	15.79
Lynn Murray Memorial Library	7,409	\$3,000	\$20,558	\$0	\$23,558	\$3.18	\$27,459	\$51,017	6.89
Marion County Public Library	56,597	\$21,000	\$467,912	\$21,500	\$510,412	\$9.02	\$65,061	\$575,473	10.17
Martinsburg-Berkeley Co. Public Library	75,905	\$81,333	\$429,077	\$425,918	\$936,328	\$12.34	\$71,265	\$1,007,593	13.27
Mary H. Weir Public Library	24,333	\$291,500	\$125,106	\$0	\$416,606	\$17.12	\$24,809	\$441,415	18.14
Mason County Public Library	25,957	\$17,221	\$0	\$20,000	\$37,221	\$1.43	\$18,119	\$55,340	2.13
McDowell Public Library	21,615	\$3,600	\$0	\$25,000	\$28,600	\$1.32	\$75,287	\$103,887	4.81

Wingo County Public Library	23,695	\$0	\$0	\$25,000	\$25,000	\$1.06	\$7,369	\$32,369	1.37
Monroe County Public Library	7,066	\$0,535	\$0	\$19,160	\$19,695	\$2.79	\$12,027	\$31,722	4.49
Morgan County Public Library	9,962	\$0	\$16,000	\$23,138	\$39,138	\$3.93	\$5,250	\$44,388	4.46
Morgantown Public Library	81,866	\$476,114	\$200,000	\$20,000	\$696,114	\$8.50	\$70,260	\$766,374	9.36
Moundsville-Marshall County Public Library	35,519	\$55,666	\$220,000	\$8,500	\$284,166	\$8.00	\$35,149	\$319,315	8.99
Mountaintop Public Library	3,185	\$3,135	\$10,000	\$0,500	\$13,635	\$4.28	\$10,332	\$23,967	7.52
New Martinsville Public Library	8,815	\$45,000	\$1,500	\$1,500	\$48,000	\$5.45	\$24,439	\$72,439	8.22
Nitro Public Library	5,327	\$48,841	\$0	\$0	\$48,841	\$9.17	\$0	\$48,841	9.17
Nutter Fort Public Library	1,686	\$20,000	\$10,832	\$10,583	\$41,415	\$24.56	\$1,993	\$43,408	25.75
Ohio County Public Library	47,433	\$0	\$376,634	\$359,735	\$736,369	\$15.52	\$138,322	\$874,691	18.44
Paden City Public Library	4,705	\$12,900	\$1,500	\$1,500	\$15,900	\$3.38	\$5,157	\$21,057	4.48
Parkersburg/Wood Co. Public Library	77,125	\$186,176	\$209,873	\$344,073	\$740,122	\$9.60	\$78,898	\$819,020	10.62
Paw Paw Public Library	4,981	\$0	\$8,000	\$8,812	\$16,812	\$3.38	\$2,485	\$19,297	3.87
Pendleton County Public Library	8,196	\$0	\$13,500	\$3,000	\$16,500	\$2.01	\$6,991	\$23,491	2.87
Peterstown Public Library	6,127	\$0	\$0	\$21,600	\$21,600	\$3.53	\$9,959	\$31,559	5.15
Philippi Public Library	8,945	\$23,032	\$2,000	\$0	\$25,032	\$2.80	\$3,269	\$28,301	3.16
Piedmont Public Library	1,417	\$1,600	\$3,410	\$2,000	\$7,010	\$4.95	\$9,825	\$16,835	11.88

Pine Grove Public Library	3,112	\$1,550	\$1,500	\$1,500	\$4,550	\$1.46	\$2,705	\$7,255	2.33
Pioneer Memorial Public Library	2,236	\$0	\$4,000	\$0	\$4,000	\$1.79	\$7,692	\$11,692	5.23
Pleasants County Public Library	7,514	\$3,000	\$26,000	\$12,000	\$41,000	\$5.46	\$4,363	\$45,363	6.04
Pocahontas Co. Free Libraries	9,131	\$0	\$61,688	\$35,000	\$96,688	\$10.59	\$64,872	\$161,560	17.69
Princeton Public Library	12,600	\$98,000	\$20,000	\$15,000	\$133,000	\$10.56	\$48,080	\$181,080	14.37
Putnam County Public Library	51,588	\$11,000	\$130,000	\$120,000	\$261,000	\$5.06	\$20,985	\$281,985	5.47
Rainelle Public Library	6,753	\$4,000	\$5,900	\$1,250	\$11,150	\$1.65	\$5,671	\$16,821	2.49
Raleigh County Public Library	79,220	\$44,000	\$420,000	\$414,181	\$878,181	\$11.09	\$35,389	\$913,570	11.53
Richwood Public Library	6,854	\$13,200	\$8,000	\$10,000	\$31,200	\$3.52	\$20,896	\$52,096	5.88
Ritchie County Public Library	10,343	\$0	\$166,565	\$0	\$166,565	\$16.10	\$17,690	\$184,255	17.81
Roane County Public Library	15,446	\$0	\$78,650	\$0	\$78,650	\$5.09	\$21,202	\$99,852	6.46
Ronceverte Public Library	5,531	\$7,000	\$5,300	\$1,250	\$13,550	\$2.45	\$17,855	\$31,405	5.68
Rupert Public Library	4,185	\$0,100	\$5,000	\$1,250	\$6,350	\$1.52	\$3,100	\$9,450	2.26
Shepherdstown Public Library	14,064	\$6,644	\$33,000	\$3,000	\$42,644	\$3.03	\$40,041	\$82,685	5.88
Sistersville Public Library	3,814	\$18,611	\$0	\$11,800	\$30,411	\$7.97	\$3,507	\$33,918	8.89
South Charleston Public Library	13,390	\$543,279	\$0	\$0	\$543,279	\$40.57	\$69,013	\$612,292	45.73

South Jefferson Public Library	14,063	\$0	\$34,000	\$3,000	\$37,000	\$2.63	\$2,603	\$39,603	2.82
Southern Area Public Library	467	\$1,500	\$8,632	\$8,433	\$18,565	\$39.75	\$2,000	\$20,565	44.04
Summers County Public Library	14,389	\$5,000	\$0	\$10,000	\$15,000	\$1.04	\$33,317	\$48,317	3.36
Summersville Public Library	8,854	\$30,000	\$8,000	\$10,000	\$48,000	\$5.42	\$64,257	\$112,257	12.68
Sutton Public Library	5,467	\$1,000	\$2,000	\$2,000	\$5,000	\$0.91	\$3,467	\$8,467	1.55
Swaney Memorial Library	4,699	\$0	\$18,000	\$0	\$18,000	\$3.83	\$18,000	\$36,000	7.66
Taylor County Public Library	16,089	\$0	\$69,485	\$0	\$69,485	\$4.32	\$17,069	\$86,554	5.38
Terra Alta Public Library	11,734	\$3,632	\$0	\$0	\$3,632	\$0.31	\$1,404	\$5,036	0.43
Tygart Valley Public Library	4,651	\$1,400	\$4,000	\$0	\$5,400	\$1.16	\$9,296	\$14,696	3.16
Tyler County Public Library	3,728	\$0,500	\$0	\$1,000	\$1,500	\$0.40	\$15,331	\$16,831	4.51
Upshur County Public Library	17,679	\$0	\$43,500	\$52,700	\$96,200	\$5.44	\$16,021	\$112,221	6.35
Valley Head Public Library	4,168	\$0	\$4,000	\$1,000	\$5,000	\$1.20	\$4,054	\$9,054	2.17
Vienna Public Library	10,861	\$263,350	\$48,968	\$51,950	\$364,268	\$33.54	\$40,803	\$405,071	37.30
War Public Library	5,714	\$0	\$0	\$6,249	\$6,249	\$1.09	\$6,000	\$12,249	2.14
Wayne County Public Library	42,903	\$4,800	\$37,816	\$15,000	\$57,616	\$1.34	\$18,696	\$76,312	1.78
Webster-Addison Public Library	5,181	\$1,000	\$1,500	\$5,000	\$7,500	\$1.45	\$8,000	\$15,500	2.99

White Sulphur Springs Public Library	5,713	\$5,000	\$8,700	\$1,250	\$14,950	\$2.62	\$17,500	\$32,450	5.68
Williamson Public Library	4,558	\$11,823	\$3,000	\$10,000	\$24,823	\$5.45	\$1,252	\$26,075	5.72
Wyoming County Public Library	25,708	\$10,500	\$20,000	\$26,000	\$56,500	\$2.20	\$18,697	\$75,197	2.93

January 5, 2007

Dear Legislative Rule-Making Review Committee Members,

The Board of Trustees and Staff of Pendleton County Library have serious objections to the proposed changes to the Library Commission Administrative Regulations. These changes are item 'i' on the agenda for 01/08/07.

The whole tone of these changes implies a regulatory and watchdog function for the Library Commission in Charleston. This Commission consumes a substantial amount of the Library Funds granted by the Legislature. There is no mention of *service* to the libraries of WV or the citizens they serve.

Our library (and over thirty other libraries, mostly rural) will be devastated by the loss in Grant-in-Aid funding if local matching is required. The Library Commission staff that propose these changes work in Kanawha County where *individual library systems* have budgets that dwarf the *total commission and school board expenditures of many rural counties*.

We believe the per capita Grant-in-Aid should be granted without regard to local funding ability.

Thank you for the staff and Board of Trustees.

Sincerely,

Virginia Bates

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Director

Pendleton County Library

Chairman
Legislative Rule Making and Review Committee

Subject: Title 173, Legislative Rule, Library Commission, Series 1, Administrative Regulations, Filed May 23, 2006

Dear Sir

These comments are in addition to my comments relating to Title 173, Legislative Rule, Library Commission, Series 1, Administrative Regulations, Filed May 23, 2006 which I submitted to you, to all members of the Legislative Rule Making and Review Committee (LRMRC) and to the Executive Secretary, West Virginia Library Commission (WVLC) in late May by e-mail. My comments have also been made available to members of the West Virginia Library Association (WVLA), Legislative Committee and various individual members of the association.

I want to address and emphasize four points in this letter.

- 1) As a member of WVLA, Legislative Committee, I voted to recommend these rules to WVLA Executive Committee for inclusion in the Association's legislative agenda for the coming session. Prior to that vote I verbally made clear to committee members present my intention to support the rule as a whole while still attempting to influence change in points I found particularly onerous. This letter is part of that attempt.
- 2) WVLC, a tentacle of the Executive, will urge local library folks to lobby you, the Legislative branch, for Grant In Aid funding. Under this proposed Rule those funds will in turn be distributed to local libraries at sole discretion of WVLC. Legislators will lose assurance monies they vote to appropriate will be distributed equitably and proportionately to all public library systems they represent. I adamantly oppose this proposed transfer of Legislative fiscal prerogative to the Executive.
- 3) This proposed rule contains penalties for failure to meet it's standards. Those penalties withhold Grants In Aid funds from library systems which are deemed by WVLC to fail its tests. Withheld funds may be siphoned to Other Grants which are totally discretionary in dissemination. Should these siphons be left intact, new language making Grants In Aid proportional statewide would not stop transfer of prerogative as outlined in paragraph numbered 2 above.
- 4) In social conversation prior to our orderly Legislative Committee meeting mentioned in paragraph numbered 1) above there was discussion of problems in finding good library personnel. Professional Librarians present commented on quantity of spineless ninnies (or words to that effect of that same caliber), graduates of Masters in Library Science producing schools, through which they must sort in order to find good help these days. I found it fascinating that local libraries could avoid several burdensome portions of this rule, simply by hiring an incompetent.

Thank you for considering my comments in your decision making process.

David O. Heishman
Member, West Virginia Library Association Legislative Committee
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