



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT
Building 1, Room EB-80
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0360
Telephone: (304) 558-5380 Fax: (304) 344-4538

JEFF S. SANDY, CAMS, CFE
CABINET SECRETARY

JIMMY J. GIANATO
DIRECTOR

July 24, 2018

Re: Executive Order 3-18
Regulatory Review of 170-2

Dear Governor Justice, Senator Maynard and Delegate Sobonya,

We have conducted a review of 170-2 Industrial Accident Rapid Response Rule which was effective August 4, 2009 as an emergency rule and was subsequently revised and final filed on April 29, 2010. This rule defines who is subject to the reporting requirements, establish penalties for violations and Point of Contact for the duration of the emergency.

This rule should be updated.

170-2 need to contain additional informational reporting requirements, specifically a designated Point of Contact who is on scene to provide real -time updates and information to first responders. Additionally, this rule needs to clearly the references to industrial facilities and the State maintained list of those facilities.

The stakeholders are mines and industrial sites as defined in the rule, DEP, the State Fire Marshall Office, State Police, State Emergency Response Commission members, Public Service Commission and various other local first responders.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jimmy J. Gianato".

Jimmy J. Gianato
Director DHSEM



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JIMMY J. GIANATO
DIRECTOR

July 24, 2018

Re: Executive Order 3-18
Regulatory Review of 170-1

Dear Governor Justice, Senator Maynard and Delegate Sobonya,

We have conducted a review of 170-1 Mine and Industrial Accident Rapid Response System which was effective April 2, 2007 and has never been modified or updated. This rule currently defines who is covered by the rule, when notifications to the Mine and Industrial Accident Call Center are required and identifies the Director of the Division of Homeland Security as the records custodian.

This rule should remain unchanged.

170-1 is a simple rule that works effectively. We do not recommend any changes at this time.

If you have any questions, comment or concerns about this report, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy J. Gianato".

Jimmy J. Gianato
Director DHSEM



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JEFF S. SANDY, CAMS, CFE
CABINET SECRETARY

JIMMY J. GIANATO
DIRECTOR

July 15, 2018

Re: Executive Order 3-18
Regulatory Review of 55-1

Dear Governor Justice, Senator Maynard and Delegate Sobonya,

We have conducted a review of 55-1 Emergency Planning and Community Right-to-Know Rule which was effective June 14, 1993. This rule established the procedures necessary to fully implement Title III of the Superfunds Amendments and Reauthorization Act of 1986.

This rule should remain unchanged.

This rule references all current EPA guidelines.

Sincerely,

A handwritten signature in black ink that reads "Jimmy J. Gianato". The signature is written in a cursive style with a long horizontal stroke at the end.

Jimmy J. Gianato
Director DHSEM

