



State of West Virginia  
Office of the Attorney General

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Attorney General

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**WRITTEN DETERMINATION REGARDING THE  
APPOINTMENT OF OUTSIDE COUNSEL ON BEHALF OF  
THE WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD**

The West Virginia Solid Waste Management Board (hereinafter the "WV SWMB" or the "Board") is in need of immediate legal representation to assist with the fulfillment of the WV SWMB's duties pursuant to W.Va. Code § 22C-3-1, *et seq.*

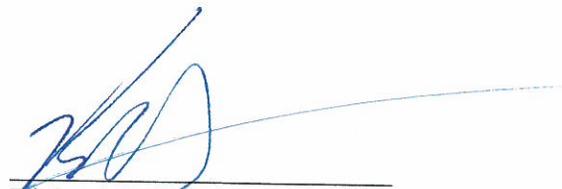
More specifically, the WV SWMB is seeking legal assistance as the Board looks to exercise its authority and obligations under W.Va. Code §§ 22C-3-26 and 22C-4-9a.

In accordance with the Attorney General's Policy on Outside Counsel (Policy #WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to authorize the appointment of Joanna Tabit of Steptoe & Johnson to assist the WV SWMB with its needed legal services, based on the following factors:

- An emergency situation exists that requires time-sensitive legal services that cannot be adequately provided by the Office of the Attorney General, as previous counsel for the WV SWMB is assisting with the representation of another state agency client and new counsel has yet to be appointed for the WV SWMB.
- Sufficient and appropriate legal resources do not currently exist within the Attorney General's Office to handle the matter in the time frame needed.
- The WV SWMB needs immediate legal assistance within a twenty-four hour time period, leaving insufficient time to complete the customary competitive bidding process for outside counsel.
- Joanna Tabit of Steptoe & Johnson has agreed to provide the needed legal services at discounted rates that would represent substantial savings to the State, and is readily accessible to provide the legal services in question.

- Given the totality of the circumstances, it is more cost-effective and in the interest of the public to allow Joanna Tabit of Steptoe & Johnson to represent the WV SWMB for the matter in question.

Because this matter requires time-sensitive legal services that cannot be adequately provided by the Office of the Attorney General, and for which insufficient time exists to complete the customary competitive bidding process, the Office of the Attorney General has determined that Requests for Proposal are not necessary pursuant to Section (D)(1) of Policy #WVAGO-004.

A handwritten signature in blue ink, appearing to read 'R. Heath, Jr.', is written over a horizontal line. The signature is stylized and extends to the right of the line.

Richard R. Heath, Jr.  
Deputy Attorney General

Date Signed: March 20, 2014