

**WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION**

Form #2

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Jun 30 3 26 PM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DCL&ER, Division of Environmental Protection TITLE NUMBER: 47

RULE TYPE: Interpretive; CITE AUTHORITY \$20-5A-6A

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

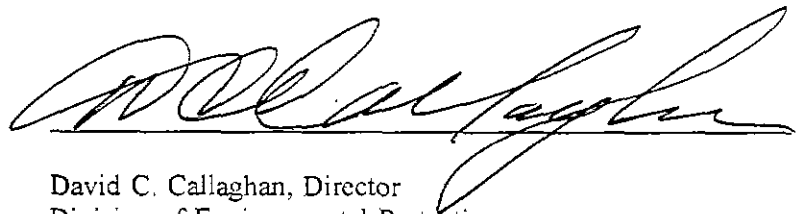
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: ~~88~~ 94

TITLE OF RULE BEING PROPOSED: Class V Injection Well Type Descriptions

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON Monday, August 2, 1993 AT 4:30 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS Division of Environmental Protection, Office of Water Resources, 1201 Greenbrier Street, Charleston, West Virginia 25311-1088

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.



David C. Callaghan, Director
Division of Environmental Protection

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.60



DEPARTMENT OF COMMERCE, LABOR & ENVIRONMENTAL RESOURCES
OFFICE OF THE SECRETARY

State Capitol, Room M-146
Charleston, West Virginia 25305-0310
Telephone: (304) 558-0400
Fax No.: (304) 558-4983

GASTON CAPERTON
Governor

JOHN M. RANSON
Cabinet Secretary

June 30, 1993

David C. Callaghan, Director
Division of Environmental Protection
10 McJunkin Road
Nitro, West Virginia 25143-2506

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OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

Re: Proposed Interpretive Rule - Title 47, Series ^{9A} ~~2A~~ -
Class V Injection Well Type Discriptions

Dear Director Callaghan:

Pursuant to West Virginia Code Section 5F-2-2(a)(12), I hereby consent to the proposal of the rule specified above.

You may attach a copy of this letter to your filing with the Secretary of State as evidence of my consent.

Sincerely yours,
John M. Ranson

John M. Ranson
Cabinet Secretary

JMR:ro
cc: Dave Watkins
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FISCAL NOTE FOR PROPOSED RULE

JUN 30 3 26 PM '93

Rule Title: Class V Injection Well Type Descriptions

47 C.S.R. 8A

Type of Rule: Legislative Interpretive

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Agency: Division of Environmental Protection, Office of Water Resources

Address: 1201 Greenbrier Street, Charleston, West Virginia 25311-1088

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		Thereafter
	Increase	Decrease	Current	Next	

Estimated Total Cost	\$ Not Applicable
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Personal Services	\$
Current Expenses	\$
Repairs & Alterations	\$
Equipment	\$
Other	\$

2. Explanation of above estimates: The proposed interpretive rule only describes codes used to define Class V well types in the Underground Injection Control program.

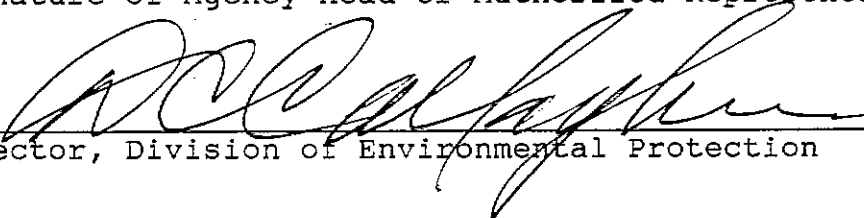
3. Objectives of this rule: Provide definitions for alpha-numeric well codes used in the Underground Injection Control Program. Both the codes and definitions are repeated from the Code of Federal Regulations implementing the Federal Safe Drinking Water Act.

4. Explanation of Overall Economic Impact of Proposed Rule.

- A. Economic Impact on State Government. None.
- B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. None.
- C. Economic Impact on Citizens/ Public at Large. None

Date:

Signature of Agency Head or Authorized Representative



Director, Division of Environmental Protection

PREAMBLE TO A PROPOSED RULE
CONCERNING
UNDERGROUND INJECTION CONTROL FEE SCHEDULE
Interpretive Rule

AGENCY: Department of Commerce, Labor, and Environmental Resources; Division of Environmental Protection.

REGULATION: Title 47, Series 8A, "Class V Injection Well Type Descriptions."

ACTION: Filing of a Proposed Rule and Notice of a thirty day Public Comment Period.

SUMMARY: The proposed interpretive rule provides descriptions of the Class V Well Type Codes used in the Underground Injection Control Program.

Written comments with postmarks prior to 4:30 pm Monday, August 2, 1993 will be accepted. Written comments should be sent to:

Laidley Eli McCoy, Chief
DEP-Office of Water Resources
1201 Greenbrier Street
Charleston, West Virginia 25311-0088

JUN 30 3 27 PM '93
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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TITLE 47
LEGISLATIVE RULES

JUN 30 3 27 PM '93

DIVISION OF ENVIRONMENTAL PROTECTION
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES
OFFICE OF WEST VIRGINIA
LEGISLATIVE

SERIES ~~9A~~ 9A
(Interpretive)

CLASS V INJECTION WELL TYPE DESCRIPTIONS

§ 47-8A-1. General.

1.1. Scope and Purpose. -- This is a new interpretive rule which provides Class V well type descriptions used in the Underground Injection Control Program. This rule is applicable to any person who owns or operates facilities or conducts activities subject to the provisions of West Virginia Code §20-5A-5.

1.2. Authority. -- West Virginia Code §20-5A-6A.

1.3. Filing Date. -- _____

1.4. Effective Date. -- _____

§ 47-8A-2. Well Code Definitions.

2.1. Drainage Wells (a.k.a. Dry Wells).

2.1.1. "5F1" (Agricultural Drainage Wells) -- receive irrigation tailwaters, other field drainage, animal yard, feedlot, or dairy runoff, etc.

2.1.2. "5D2" (Storm Water Drainage Wells) -- receive storm water runoff from paved areas, including parking lots, streets, residential subdivisions, building roofs, highways, etc.

2.1.3. "5D3" (Improved Sinkholes) -- receive storm water runoff from developments located in karst topographic areas.

2.1.4. "5D4" (Industrial Drainage Wells) -- wells located in industrial areas which primarily receive storm water runoff but are susceptible to spills, leaks, or other chemical discharges.

2.1.5. "5G30" (Special Drainage Wells) -- used for disposing water from sources other than direct precipitation. Examples of this well type include: landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.

2.2. Geothermal Reinjection Wells.

2.2.1. "5A5" (Electric Power Reinjection Wells) -- reinject geothermal fluids used to generate electric power - deep wells.

2.2.2. "5A6" (Direct Heat Reinjection Wells) -- reinject geothermal fluids used to provide heat for large buildings or developments - deep wells.

2.2.3. "5A7" (Heat Pump/Air Conditioning Return Flow Wells) -- reinject groundwater used to heat or cool a building in a heat pump system - shallow wells.

2.2.4. "5A8" (Groundwater Aquaculture Return Flow Wells) -- reinject groundwater or geothermal fluids used to support aquaculture. Non-geothermal aquaculture disposal wells are also included in this category (e.g. Marine aquariums in Hawaii use relatively cool sea water).

2.3. Domestic Wastewater Disposal Wells.

2.3.1. "5W9" (Untreated Sewage Waste Disposal Wells) -- receive raw sewage wastes from pumping trucks or other vehicles which collect such wastes from single or multiple sources. (No treatment)

2.3.2. "5W10" (Cesspools) -- including multiple dwelling, community, or regional cesspools, or other devices that receive wastes and which must have an open bottom and sometimes have perforated sides. Must serve greater than 20 persons per day if receiving solely sanitary wastes. (Settling of solids)

2.3.3. "5W11" (Septic Systems [Undifferentiated disposal method]) -- used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. Must serve greater than 20 persons per day if receiving solely sanitary wastes. (Primary Treatment)

2.3.4. "5W31" (Septic Systems [Well Disposal Method]) -- examples of wells include actual wells, seepage pits, cavitettes, etc. The largest surface dimension is less than or equal to the depth dimension. Must serve greater than 20 persons per day if receiving solely sanitary wastes. (Less treatment per square area than 5W32)

2.3.5. "5W32" (Septic Systems [Drainfield Disposal Method]) -- examples of drainfields include drain or tile lines, and trenches. Must serve more than 20 persons per day if receiving solely sanitary wastes. (More treatment per square area than 5W31)

2.3.6. "5W12" (Domestic Wastewater Treatment Plant Effluent Disposal Wells) -- dispose of treated sewage or domestic effluent from small package plants up to large municipal treatment plants. (Secondary or further treatment)

2.4. Mineral and Fossil Fuel Recovery Related Wells.

2.4.1. "5X13" (Mining, Sand, or Other Backfill Wells -- used to inject a mixture of fluid and sand, mill tailings, and other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not. Also includes special wells used to control mine fires and acid mine drainage wells.

2.4.2. "5X14" (Solution Mining Wells) -- used for in-situ solution mining in conventional mines, such as stopes leaching.

2.4.3. "5X15" (In-situ Fossil Fuel Recovery Wells) -- used for in-situ recovery of coal, lignite, oil shale, and tar sands.

2.4.4. "5X16" (Spent-Brine Return Flow Wells) -- used to reinject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts.

2.5. Oil Field Production Waste Disposal Wells

2.5.1. "5X17" (Air Scrubber Waste Disposal Wells) -- inject wastes from air scrubbers used to remove sulfur from crude oil which is burned in steam generation for thermal oil recovery projects. (if injection is used directly for enhanced recovery and not just disposal it is a Class II well.)

2.5.2. "5X18" (Water Softener Regeneration Brine Disposal Wells) -- inject regeneration wastes from water softeners which are used to improve the quality of brines used for enhanced recovery. (If injection is used directly for enhanced recovery and not just disposal it is a Class II well.)

2.6. Industrial/Commercial/Utility Disposal Wells

2.6.1. "5A19" (Cooling Water Return Flow Wells) -- used to inject water which was used in a cooling process, both open and closed loop processes.

2.6.2. "5W20" (Industrial Process Water and Waste Disposal Wells) -- used to dispose of a wide variety of wastes and wastewaters from industrial, commercial, or utility processes. Industries include refineries, chemical plants, smelters, pharmaceutical plants, laundromats and dry cleaners, tanneries, laboratories, (e.g. petroleum storage facilities (storage tank condensation water); electric power generation plants (mixed waste stream of laboratory drainage fireside water and boiler blowdown); car wash (mixed waste stream of detergent oil and grease and paved area washdown); electroplating industries (spent solvent wastes); etc.).

2.6.3 "5X28" (Automobile Service Station Disposal Wells) -- repair bay drains connected to a disposal well.

2.7. Recharge Wells.

2.7.1. "5R21" (Aquifer Recharge Wells) -- used to recharge depleted aquifers and may inject fluids from a variety of sources such as lakes, streams, domestic wastewater treatment plants, other aquifers, etc.

2.7.2. "5B22" (Saline Water Intrusion Barrier Wells) -- used to inject water into fresh water aquifers to prevent intrusion of salt water into fresh water aquifers.

2.7.3. "5S23" (Subsidence Control Wells) -- used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with overdraft of fresh water and not used for the purpose of oil or natural gas production.

2.8. Miscellaneous Wells.

2.8.1. "5N24" (Radioactive Waste Disposal Wells) -- all radioactive waste disposal wells other than Class IV wells.

2.8.2. "5X25" (Experimental Technology Wells) -- wells used in experimental or unproven technologies such as pilot scale in-situ solution mining wells in previously unmined areas.

2.8.3. "5X26" (Aquifer Remediation Related Wells) -- wells used to prevent, control or remediate aquifer pollution, including but not limited to Superfund sites.

2.8.4. "5X29" (Abandoned Drinking Water Wells) -- used for disposal of waste.

2.8.5. "5X27" (Other Wells) -- any other unspecified Class V wells. Well purpose and injected fluids must be specified.