

FILED

1985 OCT -3 PM 2:11

RECEIVED
SECRETARY OF STATE

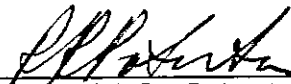
NOTICE OF EMERGENCY RULE

RULE TITLE: Hazardous Waste Management, Chapter 20, Article 5E,
(1985) (2d Amendment)

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows: Under the Federal Resources Conservation and Recovery Act of 1976, Subtitle C, each State may assume primacy of the federal hazardous waste management program. West Virginia has already received Phase I and Phase II Interim Authorization.

By law, the State program will revert to the federal government if the State does not receive final authorization by January 31, 1986. Such reversion will not be in the interests of the people of the State, the regulated industry or the general welfare since reversion would produce tremendous confusion and administrative inefficiencies. In order for the State to receive authorization, the State must demonstrate that its regulatory program is "consistent and equivalent" to the federal program. On July 5, 1985, and again on July 24, 1985, the U.S. EPA commented that certain regulations needed to be clarified in order for West Virginia's program to be declared consistent and equivalent to the federal program.

In order to submit an application for final authorization and have it acted upon in a timely manner, the State must promulgate emergency regulations. Therefore, an emergency under WV Code Section 29A-3-15 exists in that the promulgation of the attached rules are necessary to comply with a time limitation established by federal statute and to prevent substantial harm to the public interest.



Ronald R. Potesta
Director



STATE OF WEST VIRGINIA
DEPARTMENT OF NATURAL RESOURCES
CHARLESTON 25306

October 3, 1985

ARCH A. MOORE, JR.
Governor

RONALD R. POTESTA
Director

MICHAEL A. FOTOS
Deputy Director

The Honorable Ken Hechler
Secretary of State
State Capitol, Suite 157-K
Charleston, West Virginia 25305

Dear Mr. Hechler:

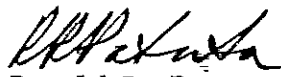
Re: Filing of Emergency Rules and
Notice of Comment and Public
Hearing by the Department of
Natural Resources

Enclosed please find for your filing a copy of amendments to the legislative rules of the Department of Natural Resources. These amendments are filed on an emergency basis and will remain in effect for fifteen months or until final regulations are promulgated.

Also enclosed please find a Notice of Public Hearing or Comment Period on a Proposed Rule. We are initiating the public comment period and Notice of Public Hearing for the enclosed emergency rule immediately.

If you have any questions, please contact Mr. Ron Shipley, State Hazardous Waste Coordinator at 304-348-2761.

Sincerely,


Ronald R. Potesta
Director

RRP/rsb

Enclosures

cc: David W. Robinson
Timothy T. Laraway
All State Hazardous Waste
Management Agencies