

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY WV Department of Environmental Protection
Division of Water & Waste Management

NUMBER: 33

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: 24

TITLE OF RULE BEING PROPOSED: Hazardous Waste Management Fee

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 2603

SECTION 64-3-1(m), PASSED ON March 6, 2003

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: April 17, 2003

Stephanie R. Timmerman
Authorized Signature

TITLE 33
LEGISLATIVE RULE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WASTE MANAGEMENT

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 24
HAZARDOUS WASTE MANAGEMENT FEE

33-24-1. General.

1.1. Scope. - - The purpose of this rule is to establish procedures for the assessment and collection of hazardous waste management fund fees pursuant to W. Va. Code §22-18-22-(b) and (c).

1.2. Authority. - - W. Va. Code §§22-18-22(b), (c), and 29A-1, *et seq.*

1.3. Filing Date. - -

1.4. Effective Date. - -

1.5. Incorporation by Reference. - - Whenever either federal statutes or rules or state statutes or rules are incorporated by reference into this rule, the reference is to the statute in effect on September 21, 2002.

§33-24-2. Definitions.

2.1 Definitions of all terms used shall have the meaning prescribed in the State Hazardous Waste Management Act, W.Va. Code §22-18-1 *et seq.* and the rules promulgated thereunder.

§33-24-3. Fee Assessment and Deposits.

3.1. An annual certification fee shall be assessed for all facilities that manage hazardous waste. Calculation of the certification fee assessment shall be in accordance with the requirements of section five of this rule.

3.2. Deposits to the Fund.

3.2.a. All monies collected from the fees assessed pursuant to this rule shall be deposited in the State Treasury in a special fund designated "The Hazardous Waste Management Fee Fund."

3.2.b. Deposits shall include all certification fee assessments and all interest accruing on investments and deposits of the Fund.

§33-24-4. Information and Reporting Requirements.

4.1. Annual Reporting.

Each calendar year, all large quantity generators (LQG), small quantity generators (SQG), conditionally exempt small quantity generators (CESQG), and treatment, storage and disposal facilities (TSD) shall provide the information to the director or his designee on the form identified as Appendix I attached to this rule and shall submit the completed form to the division, along with the required fee payment, by the first day of October, 2003 and each succeeding year thereafter.

4.2. Review of Information. All information submitted pursuant to this rule is subject to review by the director to ensure that accurate and verifiable information is obtained. The director may request clarifications, corrections, or additional information to supplement the information received to enable the division to properly calculate or recalculate fee assessments.

4.3. Exemptions.

4.3.a. No fee shall be assessed on the management of any wastes that have been excluded from classification as a hazardous waste by state or federal law or rule.

4.3.b. No fee shall be assessed on any large quantity generator, small quantity generator, conditionally exempt small quantity generator, or treatment, storage, and disposal facility that has in the same calendar year paid any assessment required under W.Va. Code §22-19-1 *et seq.* and the rules promulgated thereunder.

4.3.c. No fee shall be assessed on the management of waste from any underground storage tanks containing regulated substances that are registered pursuant to the requirements of Title 33 CSR Series 30 and which are otherwise subject to this rule; Provided however, that other management of hazardous waste at facilities containing such underground storage tanks is subject to the requirements of this rule.

§33-24-5. Fee Assessment.

5.1. All persons subject to this rule shall annually pay the hazardous waste management fee in accordance with the following schedule:

<u>Category</u>	<u>Fee</u>
TSD	\$3,000 per facility
Large Quantity Generator	\$2,000 per facility or a maximum of \$5,000 for multiple facilities owned by the same person, whichever is lower
Small Quantity Generator	\$ 200 per facility or a maximum of \$2,000 for multiple facilities owned by the same person, whichever is lower
Conditionally Exempt Small Quantity Generator	\$ 24 per facility

5.2. Payment of Fees.

5.2.a. Fee assessments will be remitted in accordance with the form identified as Appendix I and attached to this rule.

5.2.b. Fee assessments under this rule are due and payable to the division on the first day of October, 2003, and each succeeding year thereafter.

5.2.c. A fee assessment paid pursuant to this rule shall be made by submitting a money order, check, or electronic funds transfer made payable to the Hazardous Waste Management Fee Fund along with the completed Appendix 1 form. Such fee payment must be transmitted to the director. If such fee payment is mailed, then the payment must be postmarked by the date specified by these rules. Electronic funds transfers shall be made in accordance with procedures established by the State Treasurers Office.

5.2.d. If the facility of a person subject to this rule is described by more than one of the categories identified in section 5.1, only the category resulting in the highest fee shall apply. No person shall be required to pay more than one category of fees for each facility listed in section 5.1.

5.2.e. If a person owns or operates more than one facility in the large quantity generator or small quantity generator category, such person shall be required to pay the fee established in section 5.1 for each facility or the maximum amount for multiple facilities, whichever is less.

5.3 Fees submitted after November 15 of each calendar year are subject to a late charge of twenty-five percent of the fee assessed. Persons with a facility subject to this rule who have not paid the fee assessment and any late charge by December 31 of each calendar year may be subject to the provisions of chapter twenty-two, article eighteen of the West Virginia Code.

5.4. Reconsideration of Assessed Fees.

5.4.a. Any person assessed a fee for a facility pursuant to this rule may request the director to reconsider the amount of fee assessed. Such request, accompanied by supporting documentation, must be submitted to the director, in writing, by August 15 of the year for which the assessment is due, and must specify the reasons for requesting such reconsideration.

5.4.b. Upon reviewing a request submitted pursuant to subdivision 5.4.a of this rule, the director shall reconsider the applicable calculations and shall notify the party by letter of the results. If the director revises the fee assessment, the party shall be sent a revised fee assessment invoice.

5.4.c. Any person aggrieved or adversely affected by a decision of the director made and entered in accordance with the provisions of this section or by the failure or refusal of the director to act pursuant to this section may appeal to the environmental quality board in accordance with the provisions of article one, chapter twenty-two-b of the West Virginia Code.

5.5. Reassessment of Fee.

The director shall not be authorized to recalculate the fee assessments provided for by section 5.1. of this rule, except as provided for by section 5.4 of this rule.

**West Virginia Department of Environmental Protection
Hazardous Waste Management Program
Hazardous Waste Management Fee Fund - Appendix 1
1356 Hansford Street
Charleston, WV 25301**

Generator's Name: Physical Address: Owner's Name: Mailing Address: Operation Manager's Name: Title: Mailing Address: Telephone Number: E-mail Address: Contact Person Name: Title: Address: Telephone No.: E-mail Address:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; padding: 5px;">EPA ID No.: WVD</th> </tr> <tr> <td colspan="2" style="padding: 5px;"> Generator Status: Active _____ Inactive _____ Date Ceased Operation _____ </td> </tr> <tr> <td style="padding: 5px;">TSD</td> <td style="padding: 5px;">\$3,000 per facility</td> </tr> <tr> <td style="padding: 5px;"> Large Quantity (>1,000 kg or >2,200 lbs/mo) </td> <td style="padding: 5px;"> \$2,000 per facility or a maximum of \$5,000 for multiple facilities owned by the same person, whichever is lower </td> </tr> <tr> <td style="padding: 5px;"> Small Quantity (100-1,000 kg/mo) (220-2200 lbs/mo) </td> <td style="padding: 5px;"> \$ 200 per facility or a maximum of \$2,000 for multiple facilities owned by the same person, whichever is lower </td> </tr> <tr> <td style="padding: 5px;"> C. E. Small Quantity (<100 kg/mo) (<220 lbs/month) </td> <td style="padding: 5px;"> \$ 24 per facility </td> </tr> <tr> <td colspan="2" style="padding: 5px;"> Fee assessments are due October 1 of each calendar year. Fees submitted after November 15 of each calendar year are subject to a late charge of twenty-five percent of the fee assessed. Persons with a facility subject to this rule who have not paid the fee assessment and any late charge by December 31 of each calendar year may be subject to the provisions of chapter twenty-two, article eighteen of the West Virginia Code. Persons with multiple facilities subject to this rule may utilize copies of the attachment to Appendix 1 to comply with this rule </td> </tr> </table>	EPA ID No.: WVD		Generator Status: Active _____ Inactive _____ Date Ceased Operation _____		TSD	\$3,000 per facility	Large Quantity (>1,000 kg or >2,200 lbs/mo)	\$2,000 per facility or a maximum of \$5,000 for multiple facilities owned by the same person, whichever is lower	Small Quantity (100-1,000 kg/mo) (220-2200 lbs/mo)	\$ 200 per facility or a maximum of \$2,000 for multiple facilities owned by the same person, whichever is lower	C. E. Small Quantity (<100 kg/mo) (<220 lbs/month)	\$ 24 per facility	Fee assessments are due October 1 of each calendar year. Fees submitted after November 15 of each calendar year are subject to a late charge of twenty-five percent of the fee assessed. Persons with a facility subject to this rule who have not paid the fee assessment and any late charge by December 31 of each calendar year may be subject to the provisions of chapter twenty-two, article eighteen of the West Virginia Code. Persons with multiple facilities subject to this rule may utilize copies of the attachment to Appendix 1 to comply with this rule	
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I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assume that qualified personnel properly gather and evaluate the information as submitted. Based on my inquiry of the person or persons who manage the system, as the persons directly responsible for gathering this information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME _____ TITLE _____ DATE _____

**West Virginia Department of Environmental Protection
Hazardous Waste Management Program
Hazardous Waste Management Fee Fund - Appendix 1 – Multiple Site Form
1356 Hansford Street
Charleston, WV 25301**

Company Name: _____

Responsible Corporate Official: _____

Mailing Address: _____

Title: _____

Telephone No.: _____

Physical Address: _____

E-mail Address: _____

Facsimile No.: _____

Site Name & Location: _____

Site Contact Person: _____

Physical Address: _____

Title: _____

EPA ID No.: _____

Mailing Address: _____

Status (TSD, LQG, SQG, CESQG): _____

Telephone No: _____

E-Mail Address: _____

Site Name & Location: _____

Site Contact Person: _____

Physical Address: _____

Title: _____

EPA ID No.: _____

Mailing Address: _____

Status (TSD, LQG, SQG, CESQG): _____

Telephone No: _____

E-Mail Address: _____

Site Name & Location: _____

Site Contact Person: _____

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