

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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SECRETARY OF STATE

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

AGENCY: Department of Energy, Oil and Gas Div TITLE NUMBER: 38

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 NEW RULE BEING PROPOSED: 12

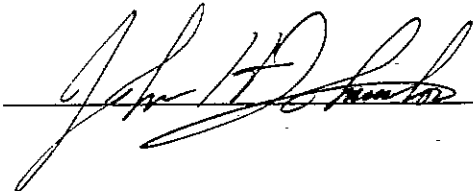
TITLE OF RULE BEING PROPOSED: Solid Waste

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 748

SECTION 64-2-22(1)(16)(c), PASSED ON March 14, 1987

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 12, 1987



WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF ENERGY
DIVISION OF OIL AND GAS
CHAPTER 22-1, 22B-1 and 20-5F
SERIES 7

SECRET
DIVISION OF OIL AND GAS
STATE

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Title: Solid Waste

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File 38

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF ENERGY
DIVISION OF OIL AND GAS
~~CHAPTER 22-1, 22B-1 and 20-5F~~
SERIES ~~7C~~ 12

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FILED
OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

Title: Solid Waste

Section 1. General

1.1 Scope - This rule provides a solid waste permit by rule for certain solid waste facilities and provide for the issuance of other solid waste permits pertaining to the exploration development, production, storage and recovery of oil and gas and related mineral resources in this state.

1.2 Authority and Related Code Citation(s) - W.Va. Code §§22-1-13; 22-1-15; 22-1-16; 22B-1-2; and 20-5F-1 through 8.

1.3 Filing Date - June 12, 1987

1.4 Effective Date - June 12, 1987

1.5 Former Rule Superseded - This legislative rule supersedes West Virginia Legislative Rule "Department of Natural Resources, Chapter 20-5F, Series XVIII, Subpart II" in effect on July 11, 1985, to the extent that such rule pertains to the exploration, development, production, storage and recovery of oil and gas, and related mineral resources in this state. Such rule was continued in effect pursuant to W.Va. Code §22-1-15 for the benefit of the Department of Energy to the extent that it pertained to the provisions of The West Virginia Energy Act.

Section 2. Definitions

Unless the context in which used clearly requires a different meaning, the definitions contained W.Va. Code §20-5F-2 and in Section 2 of West Virginia Legislative Rule "Department of Natural Resources, Chapter 20-5F, Series XVIII, Solid Waste Management Regulations" in effect on July 11, 1985, shall apply to these regulations.

Section 3. Permits

A permit shall be obtained from the Department of Energy, Division of Oil and Gas prior to the installation, establishment, construction, modification, operation or

Department of Energy
Division of Oil and Gas
Leg. Rule, 22-1, 22B-1 and 20-5F
Series 7, Sec. 3

abandonment of any solid waste facility that is within the scope of Section 1.1 of this rule. Such a permit shall satisfy the requirements of W.Va. Code §§20-5F-1 through 8 and contain such reasonable terms and conditions as may be prescribed by the Director of the Department of Energy, Division of Oil and Gas.

Section 4. Permit by Rule

A solid waste facility shall be deemed to have a solid waste permit for that facility, if that facility complies with the regulatory and permitting requirements set forth in Series 1 of the rules of the Department of Energy, Division of Oil and Gas. Nothing in this section shall relieve an owner or operator of such a well of any obligation to apply for and receive appropriate authorizations from other agencies for such a facility, if the facility received waste from sources other than those associated with the exploration, development, production, storage and recovery of oil and gas and related mineral resources in this state.

H. B. 2599

(By Delegate Knight)
(Introduced February 4, 1987; referred to the
Committee on Agriculture and Natural Resources
~~then the Judiciary~~)

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section twenty-two (one) (sixteen), relating to authorizing the director of the division of oil and gas of the department of energy to promulgate legislative rules governing solid waste management.

Be it enacted by the Legislature of West Virginia:

That article two, chapter sixty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two (one) (sixteen), to read as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE LEGISLATIVE RULES.

§64-2-22(1)(16). Department of energy; director of the division of oil and gas.

1 The legislative rules filed in the state register on the
2 eleventh day of August, one thousand nine hundred eighty-six,
3 modified by the director of the division of oil and gas of the
4 department of energy to meet the objections of the legislative
5 rule-making review committee and refiled in the state register on
6 the fifteenth day of December, one thousand nine hundred eighty-
7 six, relating to the director of the division of oil and gas of
8 the department of energy (solid waste management) are authorized.

9
10 NOTE: The purpose of this bill is to authorize the Director
11 of the Division of Oil and Gas of the Department of Energy to
12 promulgate legislative rules governing solid waste management.

13
14 This section is new; therefore, strike-throughs and
15 underscoring have been omitted.

Senate Bill No. 367

(By Senator Tucker)

[Introduced February 5, 1987; referred to the Committee
on EIN ; then to
the Committee on the Judiciary.]

A BILL to amend article two, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section designated section twenty-two (one) (sixteen), relating to authorizing the director of the division of oil and gas of the department of energy to promulgate legislative rules governing solid waste management.

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