

NOTICE OF AGENCY APPROVAL

LEGISLATIVE RULE: Rules of the Department of Energy,
(title)

Division of Oil and Gas - Series 1 through 8

The attached legislative rule constitutes the official rule approved by the Department of Energy - Division of Oil & Gas
(agency)

on 15th day of August, 1986 and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule-Making Review Committee.



Signature of Commissioner

FILED
1986 AUG 11 PM 1:41
OFFICE OF THE SECRETARY OF STATE

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF ENERGY
DIVISION OF OIL AND GAS
CHAPTER 22-1, 22B-1 and 20-5E
SERIES 8

FILED
1986 AUG 11 PM 2:20
OFFICE OF THE SECRETARY OF STATE

Title: Hazardous Waste

Section 1. General

1.1 Scope - This rule excludes certain wastes from regulation as hazardous waste and provide a hazardous waste permit by rule for injection wells disposing of hazardous waste from 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; 20-5E-6(a)(2) and 20-5E-7(h).

1.3 Filing Date -

1.4 Effective Date - This rule shall become effective upon the date of the proclamation by the Governor pursuant to W. Va. Code §22-1-20 stating that final approval of the transfer of this program has been given by the United States Environmental Protection Agency or that such final approval is not necessary.

1.5 Former Rule Superseded - This legislative rule supersedes Sections 3.01.03(b)(5) and 11.8.3 of West Virginia Legislative Rule "Department of Natural Resources, Chapter 20-5E, Series XV, Hazardous Waste Management Regulations" 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 sections were contained in effect pursuant to W.Va. Code §22-1-15 for the benefit of the Department of Energy inasmuch as they 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 in W.Va. Code §20-5E-3 and in Section 2 of West Virginia Legislative Rule "Department of Natural Resources, Chapter 20-5E, Series XV, Hazardous Waste Management Regulations in effect on July 11, 1985 shall apply to these regulations.

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Department of Energy
Division of Oil and Gas
Leg. Rule, 22-1, 22B-1 and 20-5E
Series 8, Sec. 3

Section 3. Exclusions

Consistent with W.Va. Code §20-5E-6(a)(2), the following wastes are not hazardous wastes: drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

Section 4. Permit by Rule

The owner or operator of an injection well disposing of hazardous waste from the exploration, development, production, storage and recovery of oil and gas and related mineral resources in this state shall be deemed to have a hazardous waste management permit for that facility from the Division, if the owner or operator:

(1) Has a UIC permit for underground injection issued pursuant to Series 3 of the rules of the Department of Energy, Division of Oil and Gas; and

(2) 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 well, if the well receives 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.