

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED
1987 JUN 12 PM 4:06
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: 13

TITLE OF RULE BEING PROPOSED: Hazardous Waste

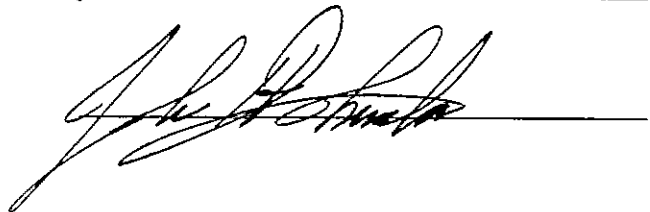
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

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

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

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON

THE FOLLOWING DATE: On Proclamation of the Governor



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

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 - June 12, 1987

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1.5 Former Rule Superseded - This legislative rule supersedes Sections 3.01.03(b)(5) and 11.8.3 of West Virginia Legislative Rule "Department of Natural Resources, Chapter 20-5E, Series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, except that for the purposes of this rule, "Department" shall mean the Department of Energy, Division of Oil and Gas, and "Director" shall mean the Director of the Division of Oil and Gas of the Department of Energy.

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.

Tit 38

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF ENERGY
DIVISION OF OIL AND GAS
~~CHAPTER 22-1, 22B-1 and 20-5E~~
SERIES ~~8~~ 13

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, except that for the purposes of this rule, "Department" shall mean the Department of Energy, Division of Oil and Gas, and "Director" shall mean the Director of the Division of Oil and Gas of the Department of Energy.

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.



STATE OF WEST VIRGINIA
 DEPARTMENT OF ENERGY
 322 70th STREET, SOUTHEAST
 CHARLESTON WEST VIRGINIA 25304
 TELEPHONE 348-3741

ARCH A. MOORE, JR.
 GOVERNOR

KENNETH R. FAERBER
 COMMISSIONER

December 15, 1986

DOE/DO&G-0264

The Honorable Ken Hechler
 Secretary of State
 State of West Virginia
 Building 1, Suite 157-K
 Charleston, West Virginia 25305

Dear Secretary Hechler:

Per Mr. Michael Mowery's instruction please find attached a revised copy of the Rules and Regulations for the Oil and Gas Division of the Department of Energy.

Also attached is a copy of the December 11, 1986, "NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE" which authorizes the agency to promulgate the Legislative Rule as originally filed or as modified by the agency.

Yours truly,

John H. Johnston
 Director
 Division of Oil and Gas

1986 DEC 15 PM 2:32
 FILED

JHJ:las

Attachments (as stated)

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

Title: Hazardous Waste

	<u>Page</u>
Section 1. General	1
1.1 Scope	1
1.2 Authority and Related Code Citation(s)	1
1.3 Filing Date	1
1.4 Effective Date	1
1.5 Former Rule Superseded	1
2. Definitions	1
3. Exclusions	2
4. Permit by Rule	2

Senate Bill No. 365

(By Senator Tucker)

[Introduced February 5, 1987; referred to the Committee
on EIM ; 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 hazardous 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 (hazardous waste management) are
9 authorized.

10

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

15

16 This section is new; therefore, strike-throughs and
17 underscoring have been omitted.

18

H. B. 2597

(By Delegate Knight)

(Introduced February 4, 1987; referred 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 hazardous 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 (hazardous waste management) are
9 authorized.

10

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

15

16 This section is new; therefore, strike-throughs and
17 underscoring have been omitted.

18