

WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION

Form #2

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JUN 30 3 26 PM '93

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: DCL&ER, Division of Environmental Protection TITLE NUMBER: 47

RULE TYPE: Legislative; CITE AUTHORITY §20-5A-6A

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

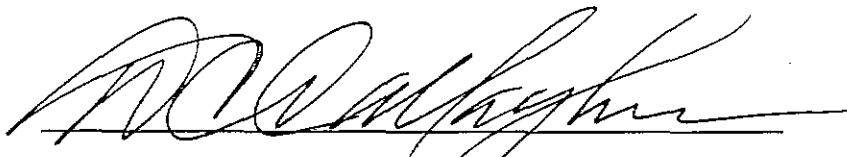
IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 89

TITLE OF RULE BEING PROPOSED: Underground Injection Control Fee Schedule

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON Monday, August 2, 1993 AT 4:30 pm

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS Division of Environmental Protection, Office of Water Resources, 1201 Greenbrier Street, Charleston, West Virginia 25311-1088

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THE PROPOSED RULE.

  
David C. Callaghan, Director  
Division of Environmental Protection

ATTACH A BRIEF SUMMARY OF YOUR PROPOSAL

4.80

FISCAL NOTE FOR PROPOSED RULE

Rule Title: Underground Injection Control Fee Schedule 47 C.S.R. 8

Type of Rule:  Legislative       Interpretive       Procedural

Agency: Division of Environmental Protection, Office of Water Resources

Address: 1201 Greenbrier Street, Charleston, West Virginia 25311-1088

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$0.00		\$21,000	\$21,000	\$21,000
Personal Services	\$0.00		10,500	10,500	10,500
Current Expenses	\$0.00		3,500	3,500	3,500
Repairs & Alterations	\$0.00		0	0	0
Equipment	\$0.00		3,500	3,500	3,500
Other	\$0.00		3,500	3,500	3,500

2. Explanation of above estimates: Estimates were determined by applying the proposed fees on existing Underground Injection Control permits and projecting the number of new permits to be issued. The proposed fee schedule will replace charging UIC activities through the Office of Oil & Gas' Well Work program fees, and the Office of Water Resources' National Pollution Discharge Elimination System fees. The above estimates are somewhat reduced from existing fees.

3. Objectives of this rule: Establish a fee schedule which is appropriate to the Underground Injection Well Program.

4. Explanation of Overall Economic Impact of Proposed Rule.

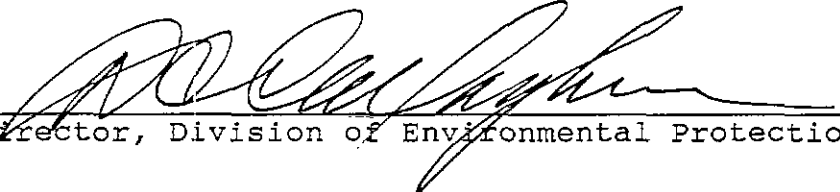
A. Economic Impact on State Government. None, as stated in #2 above this Fee schedule replaces charging UIC activities through other permitting program fee schedules.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens. None (for same reason as 'A' above).

C. Economic Impact on Citizens/ Public at Large. No impact.

Date:

Signature of Agency Head or Authorized Representative

  
 Director, Division of Environmental Protection

PREAMBLE TO A PROPOSED RULE  
CONCERNING  
UNDERGROUND INJECTION CONTROL FEE SCHEDULE

AGENCY: Department of Commerce, Labor, and Environmental Resources; Division of Environmental Protection.

REGULATION: Title 47, Series 8, "Underground Injection Control Fee Schedule."

ACTION: Filing of a Proposed Rule and Notice of a thirty day Public Comment Period.

SUMMARY: The proposed, filed rule provides for a schedule of fees to be charged for activities regulated by the Underground Injection Control Program.

Written comments with postmarks prior to 4:30 pm Monday, August 2, 1993 will be accepted. Written comments should be sent to:

Laidley Eli McCoy, Chief  
DEP-Office of Water Resources  
1201 Greenbrier Street  
Charleston, West Virginia 25311-1088

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

JUN 30 3 26 PM '93

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TITLE 47  
LEGISLATIVE RULES

JUN 30 3 26 PM '93

DIVISION OF ENVIRONMENTAL PROTECTION OFFICE OF WEST VIRGINIA  
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES STATE

SERIES ● 9  
UNDERGROUND INJECTION CONTROL FEE SCHEDULE

§47-8-1. **General.**

1.1. Scope and Purpose -- These legislative rules establish schedules of permit fees for state underground injection control permits issued by the Chief of the Office of Water Resources. This rule applies to any person who is required to apply for and obtain a permit from the Chief in order to conduct an activity that is enumerated in WV Code §20-5A-5, and is separate from permit fees required under §22B-1-6.

1.2. Authority -- §20-5A-6a.

1.3. Filing Date --

1.4. Effective Date --

1.5. Incorporation by Reference -- Whenever federal or State statutes or regulations are incorporated into these regulations by reference, the reference is to the statute or regulation in effect on July 1, 1992.

§47-8-2. **Definitions.**

2.1. "Activity" means an activity for which a permit is required pursuant to the provisions of WV Code §20-5A-5.

2.2. "Chief" means the Chief of the Office of Water Resources of the Division of Environmental Protection of the West Virginia Department of Commerce, Labor and Environmental Resources.

2.3. "Class I well" is an underground injection well as described in 46 C.S.R. 9, paragraphs 4.1.a and b.

2.4. "Class II well" is an underground injection well as described in 46 C.S.R. 9 paragraphs 4.2.a through c.

2.5. "Class III well" is an underground injection well as described in 46 C.S.R. 9 paragraphs 4.3.a through e.

2.6. "Class IV well" is an underground injection well as described in 46 C.S.R. 9 paragraph 4.4.a.

2.7. "Class V well" is an underground injection well as described in 46 C.S.R. 9 paragraphs 4.5.a through r.

2.8. "Facility" means any "injection well or group of wells" that is subject to rule under the UIC program.

2.9. "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas or any other form or state.

2.10. "Hazardous Waste" means a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may (A) cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

2.11. "Major modification" means a modification of an issued permit made in accordance with the provisions of 46 C.S.R. 9, Subsection 13.18.

2.12. "Minor modification" means a modification of an issued permit made in accordance with the provisions of 46 C.S.R. 9, Subsection 13.20.

2.13. "Permit" means an authorization, license or equivalent control document issued by the State to implement the requirements of the UIC Program. Permit includes an area permit and a UIC Emergency Permit. "Permit" does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a "draft permit."

2.14. "Person", "persons", or "applicant" shall mean any industrial user, public or private corporation, institution, association, firm or company organized or existing under the laws of this or any other state or country; State of West Virginia; governmental agency, including federal facilities; political subdivision; county commission; municipal corporation; industry, sanitary district; public service district; drainage district; soil conservation district; watershed improvement district; partnership; trust; estate; person or individual; group of persons or individuals acting individually or as a group; or any legal entity whatsoever.

2.15. "UIC" means the Underground Injection Control program under Part C of the Safe Drinking Water Act, including an approved State program.

2.16. "Underground Injections" means the subsurface emplacement of fluids through a well, drainfield, cesspool or pit, or any means thereof.

2.17. "Well" for the purpose of the State UIC Program, means a bored, drilled or driven shaft, or a dug hole whose depth is greater than the largest surface dimension.

### **§47-8-3. Fee Assessment and Collection.**

3.1. Assessment of Permit Application Fees -- Any person who applies or reapplies for a permit shall pay the appropriate permit application or renewal fee in accordance with the provisions of Sections 4 through 6 of the regulations.

3.2. Assessment of Annual Permit Fees -- Any person who holds a permit shall pay an annual permit fee in accordance with the provisions of Section 7 of these regulations. The first annual permit fee shall be remitted to the proper office one (1) calendar year from the date of permit issuance; subsequent annual permit fees shall be remitted on or before the anniversary date of the permit issuance.

3.3. Method of Fee Payment -- All fees assessed under these regulations shall be submitted to the appropriate office by check or money order payable to the West Virginia Division of Environmental Protection .

3.3.a. The appropriate office for remitting fees related to Class I or Class V well(s) is the Office of Water Resources.

3.3.b. The appropriate office for remitting fees related to Class II or Class III well(s) is the Office of Oil and Gas.

3.4. Collection of Permit Application Fees -- The permit application fee shall be submitted to the appropriate office with the permit application. No permit application will be processed until the appropriate fee has been received.

3.4.1. A person may seek verification of the correct amount of a permit application fee by submitting his calculation of the fee to the appropriate office in writing. This calculation shall be submitted sufficiently in advance of the permit application so that the provisions of 46 C.S.R. 2, Subsection 4.3 are met. Within thirty (30) days of the receipt of this calculation, the appropriate office shall notify the applicant of the accuracy of his calculation. If the applicant's calculation is incorrect, the appropriate office shall advise him of the correct amount to be submitted as the permit application fee.

3.4.2. If the appropriate office determines that a submitted application is incomplete and must be returned to the applicant for additional information, a permit application resubmission fee shall accompany the refiled application. This fee shall be either a sum

equivalent to five percent (5%) of the permit application fee or fifty dollars (\$50), whichever is greater.

3.5. Collection of Annual Permit Fees -- The annual permit fee shall be submitted to the appropriate office no later than the anniversary of the date of permit issuance in each year of the term of the permit.

3.5.1. A permit will become void if the annual permit fee has not been paid within one hundred and eighty (180) days of the due date.

3.5.2. A permit will not be reissued until all annual permit fees due during prior terms of that permit have been paid in full.

3.6. If a permittee wishes to continue an activity pursuant to paragraph 13.12.b of 46 C.S.R. 9, the permittee must apply for a permit renewal at least one hundred eighty (180) days prior to expiration of the permit.

**§47-8-4. Initial UIC Permit Application Fees.**

4.1. Class I Wells -- The initial permit application fee shall be one thousand dollars (\$1,000).

4.2. Class II Wells -- The initial permit application fee shall be five hundred dollars (\$500), which shall be in lieu of any individual well work permit fee required under §22B-1.

4.3. Class III Wells -- The initial permit application fee shall be five hundred dollars (\$500), which shall be in lieu of any individual well work permit fee required under §22B-1.

4.4. Class IV Wells. -- Class IV injection wells are prohibited.

4.5. Class V Wells -- The initial permit application fee shall be calculated through use of the following formula: the initial permit application fee shall equal the volume fee multiplied by the treatment factor multiplied by the well type factor (i.e. Initial Permit Application Fee = Volume Fee X Treatment Factor X Well Type Factor).

4.5.1. The appropriate volume fee shall be determined from Table A of Attachment 1 of these regulations.

4.5.2. The appropriate treatment factor shall be determined from Table B of Attachment 1 of these regulations.

4.5.3. The appropriate well type factor shall be determined from Table C of

Attachment 1 of these regulations. Refer to interpretive rule 47 C.S.R. 8A for descriptions of well type codes.

4.5.4. The total amount of the initial permit application fee for a Class V injection well shall be no less than twenty five dollars (\$25) and no more than one thousand five hundred dollars (1,500).

**§47-8-5. Permit Renewal Application Fees.**

5.1. The permit renewal application fee for a Class I UIC Permit shall be one thousand dollars (\$1,000).

5.2. The permit renewal application fee for a Class II UIC Permit shall be five hundred dollars (\$500).

5.3. The permit renewal application fee for a Class III UIC Permit shall be five hundred dollars (\$500).

5.4. Class IV injection wells are prohibited.

5.5. The permit renewal application fee for Class V injection wells shall be calculated using the formula in Section 4.5 of these regulations. (i.e. permit renewal application fee = Volume Fee X Treatment Factor X Well Type Factor).

**§47-8-6. Permit Modification Application Fees.**

6.1. The permit modification fee for a Class I UIC Permit which requires a major modification shall be five hundred dollars (\$500). The permit modification fee for Class I UIC Permit which requires a minor modification shall be one hundred dollars (\$100).

6.2. The permit modification fee for a Class II UIC Permit which requires a major modification shall be two hundred and fifty dollars (\$250). The permit modification fee for Class II injection wells requiring minor modifications is reserved.

6.3. The permit modification fee for a Class III UIC Permit which requires a major modification shall be two hundred and fifty dollars (\$250). The permit modification fee for Class III injection wells requiring minor modifications is reserved.

6.4. Class IV wells are prohibited.

6.5. The permit modification fee for Class V injection wells shall be calculated through

the use of the following formula: the permit modification application fee shall equal the volume fee multiplied by the treatment factor multiplied by the well type factor (i.e., Permit Modification Application Fee = Volume Fee X Treatment Factor X Well Type Factor).

6.5.1. The appropriate volume fee shall be determined through the use of Table A of Attachment 1 of these regulations. Only the discharge volume of the activity affected by the modification shall be used in determining the appropriate volume fee.

6.5.2. The appropriate treatment factor shall be determined through the use of Table B of Attachment 1 of these regulations.

6.5.3. The appropriate well type factor shall be determined through the use of Table C of Attachment 1 of these regulations. Refer to interpretive rule 47 C.S.R. 8A for descriptions of well type codes.

6.6. Non-volume related Major Modifications -- For an application seeking a major modification of a Class V UIC Permit where no discharge volume is involved, the permit modification application fee shall be twenty five percent (25%) of the initial permit application fee or a minimum of twenty five dollars (\$25).

6.7. Non-volume related Minor Modifications -- For an application seeking a minor modification of a Class V UIC Permit where no discharge volume is involved, the permit modification application fee shall be twenty five dollars (\$25).

#### **§47-8-7. Annual Permit Fees.**

7.1. The annual permit fee for a Class I injection well shall be seven hundred and fifty dollars (\$750).

7.2. The annual permit fee for a Class II disposal well shall be twenty five dollars (\$25) per well and ten dollars (\$10) per well for enhanced recovery injection wells.

7.3. The annual permit fee for a Class III injection well shall be twenty five dollars (\$25) per well.

7.4. Class IV wells are prohibited.

7.5. The annual permit fee for a Class V injection well shall be calculated through the use of the following formula: annual permit fee shall equal the volume fee multiplied by the treatment factor multiplied by well type factor multiplied by 0.333 (i.e., Annual Permit Fee = Volume Fee X Treatment Factor X Well Type Factor X 0.333). The total amount of the annual permit fee shall be no less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).

7.5.1. The appropriate volume fee shall be determined from Table A of Attachment 1 of these regulations.

7.5.2. The appropriate treatment factor shall be determined from Table B of Attachment 1 of these regulations.

7.5.3. The appropriate well type factor shall be determined from Table C of Attachment 1 of these regulations. Refer to interpretive rule 47 C.S.R. 8A for descriptions of well type codes.

**§47-8-8. Area Permit Fees.**

8.1. Class I UIC area permit.

8.1.1. The initial application fee shall be one thousand dollars (\$1,000).

8.1.2. The permit renewal application fee shall be one thousand dollars (\$1,000).

8.1.3. The application fee for a major permit modification shall be five hundred dollars (\$500).

8.1.4. The application fee for a minor permit modification shall be one hundred dollars (\$100).

8.1.5. The annual permit fee shall be two hundred fifty dollars (\$250).

8.2. Class II UIC area permit.

8.2.1. The initial permit application fee shall be five hundred dollars (\$500).

8.2.2. The renewal permit application fee shall be five hundred dollars (\$500).

8.2.3. The application fee for a major permit modification shall be two hundred and fifty dollars (\$250).

8.2.4. The application fee for a minor permit modification -- reserved.

8.3. Class III UIC area permit.

8.3.1. The initial permit application fee shall be five hundred dollars (\$500).

8.3.2. The renewal permit application fee shall be five hundred dollars (\$500).

8.3.3. The application fee for a major permit modification shall be two hundred and fifty dollars (\$250).

8.3.4. The application fee for a minor permit modification -- reserved.

8.4. Class IV wells are prohibited.

8.5. Class V UIC area permit.

8.5.1. The initial permit application fee shall be determined by the following procedure: (1) Total the volumes for each well to be covered by the permit, and (2) Follow the procedures outlined in section 4.5 through 4.5.3 of this regulation.

8.5.1.a. The appropriate treatment factor shall be determined from Table B of Attachment 1 of these regulations.

8.5.1.b. The total amount of the initial permit application fee shall be no less than twenty five dollars (\$25) nor more than one thousand five hundred dollars (\$1,500).

8.5.2. The permit renewal application fee shall be calculated using the formula in Sections 8.5.1 through 8.5.1.b.

8.5.3. The application fee for a major permit modification shall be calculated using the formula in Sections 8.5.1 through 8.5.1.b.

8.5.4. The application fee for a minor permit modification shall be fifty dollars (\$50).

8.5.5. The annual permit fee shall be determined by the following procedure: (1) Total the volumes for each well to be covered by the permit, and (2) Follow the procedures outlined in section 7.5 through 7.5.3 of this regulation.

8.5.5.a. The appropriate treatment factor shall be determined using Table B of Attachment 1 of these regulations.

8.5.5.b. The appropriate well type factor shall be determined using Table C of Attachment 1 of these regulations. Refer to interpretive rule 47 C.S.R. 8A for descriptions of well type codes.

8.5.5.c. The total amount of the annual permit fee shall be no less than twenty five dollars (\$25) no more than five hundred dollars (\$500).

**ATTACHMENT 1**

**TABLE A  
VOLUME FEES**

<u>If the daily discharge (in gallons) is:</u>	<u>The Volume Fee is:</u>
<250	\$ 50.00
250 - 500	75.00
501 - 1000	150.00
1001 - 5000	200.00
5001 - 50,000	400.00
50,001 - 100,000	600.00
>100,000	850.00

**TABLE B  
TREATMENT FACTORS**

<u>LEVEL OF TREATMENT</u>	<u>TREATMENT FACTOR</u>
NO TREATMENT	3
PRIMARY TREATMENT	2.5
SECONDARY TREATMENT	2
TERTIARY TREATMENT	1.5
>TERTIARY TREATMENT	1

**ATTACHMENT 1  
TABLE C -- WELL TYPE FACTORS**

<u>WELL TYPE *</u>	<u>FACTOR</u>
<u>DRAINAGE WELLS</u>	
SF1	1
5D2	1
5D3	2
5D4	3
5G30	1
<u>GEOHERMAL REINJECTION WELLS</u>	
5A5	3
5A6	3
5A7	1
5A8	3
<u>DOMESTIC WASTEWATER DISPOSAL WELLS</u>	
5W9	3
5W10	1
5W11	2
5W31	2
5W32	1
5W12	1
<u>MINERAL AND FOSSIL FUEL RECOVERY RELATED WELLS</u>	
5X13	3
5X14	2
5X15	2
5X16	2
<u>OIL FIELD PRODUCTION WASTE DISPOSAL WELLS</u>	
5X17	3
5X18	2
<u>INDUSTRIAL/COMMERCIAL/UTILITY DISPOSAL WELLS</u>	
5A19	2
5W20	3
<u>RECHARGE WELLS</u>	
5R21	1
5B22	1
5S23	1
<u>MISCELLANEOUS WELLS</u>	
5N24	4
5X25	3
5X26	1
5X29	3
5X27	3

\* Note: See 47 C.S.R. 8A for a description of Well Type codes.