

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In This Box

FILED

MAY 13 3 48 PM '94

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

AGENCY: Division of Environmental Protection TITLE NUMBER: 47

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: 9

TITLE OF RULE BEING PROPOSED: Underground Injection Control Fee Schedule

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 1005

SECTION 64-3-17(o), PASSED ON 3/16/94

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: 6/1/94

Rayen J. Hall
David C. Callaghan, Director
Division of Environmental Protection

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

Telephone: (304) 558-6000
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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

DONALD R. WILKES
Director, Corporations

(Plus all the volunteer
help we can get!)

FAX: (304) 558-0900

March 18, 1994

Laidley Eli McCoy
Natural Resources
Ofc. of Water Resources
1201 Greenbrier St.
Charleston, WV 25311

SB 1005 authorizing, Title 47, Series 9, Underground Injection Control Fee Schedule, passed the Legislature on **March 16, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 1005, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 1005** section 64-3-8(o). The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
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FAX: (304) 558-0900

March 30, 1994

Laidley Eli McCoy
Natural Resources
Ofc. of Water Resources
1201 Greenbrier St.
Charleston, WV 25311

SB 1005 authorizing, Title 47, Series 9, Underground Injection Control Fee Schedule, passed the Legislature on **March 16, 1994**. It is now awaiting the Governor's signature.

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*****IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You
Administrative Law Division

Promulgation History For

Rule Name: Underground Injection Control Fee Schedule

Rule Title: 47 CSR 9

Date of Notice of Public

Hearing/Comment Period on Proposed Rule: 6/30/93

Date of Public Hearing or Close of Comment Period: 8/2/93

Date Agency Approved Proposed Rule Filed

with the Legislative Rule Making Review Committee: 8/12/93

Date of LRMRC Approval: 1/9/94

Date Rule Modification of Proposed Rule Filed: 1/19/93

Rule Authorized by: SB 1005, Section 64-3-17(o)

Date Passed Legislature: 3/16/94

Date Governor Signed: 4/6/94

Date of Final Filing and Adoption of a

Legislative Rule Authorized by the West Virginia Legislature: 4/29/94

Date Rule to become Effective: 5/1/94

MAY 13 3 48 PM '94

TITLE 47
LEGISLATIVE RULES

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

DIVISION OF ENVIRONMENTAL PROTECTION
DEPARTMENT OF COMMERCE, LABOR AND ENVIRONMENTAL RESOURCES

SERIES 9
UNDERGROUND INJECTION CONTROL FEE SCHEDULE

§47-9-1. General.

1.1. Scope and Purpose -- This legislative rule establishes 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 WV Code §22B-1-6.

1.2. Authority -- §20-5A-6a.

1.3. Filing Date -- May 13, 1994

1.4. Effective Date -- June 1, 1994

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

§47-9-2. 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 1 well" is an underground injection well as described in the Underground Injection Control rule 46 C.S.R. 9, paragraphs 4.1.a and b.

2.4. "Class 2 well" is an underground injection well as described in the Underground

Injection Control rule 46 C.S.R. 9 paragraphs 4.2.a through c.

2.5. "Class 3 well" is an underground injection well as described in the Underground Injection Control rule 46 C.S.R. 9 paragraphs 4.3.a through e.

2.6. "Class 4 well" is an underground injection well as described in the Underground Injection Control rule 46 C.S.R. 9 paragraph 4.4.a.

2.7. "Class 5 well" is an underground injection well as described in the Underground Injection Control rule 46 C.S.R. 9 paragraphs 4.5.a through c.

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 the Underground Injection Control rule 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 the Underground Injection Control rule 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" means 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, 42 USC §300f 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 and includes those types of Class 5 wells as defined in Subsection 4.5 of the Underground Injection Control rule, 46 C.S.R. 9.

§47-9-3. 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 this rule.

3.2. Assessment and Collection 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 this rule. 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.

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

3.2.2. The chief shall not reissue a permit until all annual permit fees due during prior terms of that permit have been paid in full.

3.3. Method of Fee Payment -- All fees assessed under this rule 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 1 or Class 5 well(s) is the Office of Water Resources.

3.3.b. The appropriate office for remitting fees related to Class 2 or Class 3 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. An applicant may seek verification of the correct amount of a permit application fee by submitting his or her calculation of the fee to the appropriate office in writing. The applicant shall submit this calculation sufficiently in advance of the permit application so that the provisions of the Rules Governing The State National Pollutant Discharge Elimination System (NPDES) Program, 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 or her calculation. If the applicant's calculation is incorrect, the appropriate office shall advise the applicant 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 is either a sum equivalent to five percent (5%) of the permit application fee or fifty dollars (\$50), whichever is greater.

3.5. If a permittee wishes to continue an activity pursuant to paragraph 13.12.b of the Underground Injection Control rule, 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.

§47-9-4. Initial UIC Permit Application Fees.

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

4.2. Class 2 Wells -- The initial permit application fee is five hundred dollars (\$500), which is in lieu of any individual well work permit fee required under WV Code §22B-1-1 et seq.

4.3. Class 3 Wells -- The initial permit application fee is five hundred dollars (\$500), which is in lieu of any individual well work permit fee required under WV Code §22B-1-1 et seq.

4.4. Class 4 Wells. -- Class 4 injection wells are prohibited.

4.5. Class 5 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). An applicant shall use the following paragraphs to calculate the fees and factors.

4.5.1. The appropriate volume fee is determined from Table A of Attachment 1 of this rule.

4.5.2. The appropriate treatment factor is determined from Table B of Attachment 1 of this rule.

4.5.3. The appropriate well type factor is determined from Table C of Attachment 1 of this rule. The interpretive rule, Class 5 Injection Well Type Descriptions, 47 C.S.R. 9A contains descriptions of well type codes.

4.5.4. The total amount of the initial permit application fee for a Class 5 injection well shall be no less than twenty five dollars (\$25) and no more than one thousand five hundred dollars (\$1,500).

§47-9-5. Permit Renewal Application Fees.

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

5.2. The permit renewal application fee for a Class 2 UIC Permit is five hundred dollars (\$500).

5.3. The permit renewal application fee for a Class 3 UIC Permit is five hundred dollars (\$500).

5.4. Class 4 injection wells are prohibited.

5.5. The permit renewal application fee for Class 5 injection wells is calculated using the formula in Section 4.5 of this rule. (i.e. Permit Renewal Application Fee = Volume Fee X Treatment Factor X Well Type Factor).

§47-9-6. Permit Modification Application Fees.

6.1. The permit modification fee for a Class 1 UIC Permit which requires a major modification is five hundred dollars (\$500). The permit modification fee for Class 1 UIC Permit which requires a minor modification is one hundred dollars (\$100).

6.2. The permit modification fee for a Class 2 UIC Permit which requires a major modification is two hundred and fifty dollars (\$250).

6.3. The permit modification fee for a Class 3 UIC Permit which requires a major modification is two hundred and fifty dollars (\$250).

6.4. Class 4 wells are prohibited.

6.5. The permit modification fee for Class 5 injection wells is calculated through the use of the following formula: the permit modification application fee is 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 is determined through the use of Table A of Attachment 1 of this rule. Only the discharge volume of the activity affected by the modification is used in determining the appropriate volume fee.

6.5.2. The appropriate treatment factor is determined through the use of Table B of Attachment 1 of this rule.

6.5.3. The appropriate well type factor is determined through the use of Table C of Attachment 1 of this rule. The Interpretive rule, Class 5 Injection Well Type Descriptions, 47 C.S.R. 9A contains descriptions of well type codes.

6.6. Non-volume related Major Modifications -- For an application seeking a major modification of a Class 5 UIC Permit where no discharge volume is involved, the permit modification application fee is 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 5 UIC Permit where no discharge volume is involved, the permit modification application fee is twenty five dollars (\$25).

§47-9-7. Annual Permit Fees.

7.1. The annual permit fee for a Class 1 injection well is seven hundred and fifty dollars (\$750).

7.2. The annual permit fee for a Class 2 disposal well is 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 3 injection well is twenty five dollars (\$25) per well.

7.4. Class 4 wells are prohibited.

7.5. The annual permit fee for a Class 5 injection well is 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 is no less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). An applicant shall use the following paragraphs to calculate the fees and factors.

7.5.1. The appropriate volume fee is determined from Table A of Attachment 1 of this rule.

7.5.2. The appropriate treatment factor is determined from Table B of Attachment

1 of this rule.

7.5.3. The appropriate well type factor is determined from Table C of Attachment 1 of this rule. The interpretive rule, Class 5 Injection Well Type Descriptions, 47 C.S.R. 9A contains descriptions of well type codes.

§47-9-8. Area Permit Fees.

8.1. Class 1 UIC area permit.

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

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

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

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

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

8.2. Class 2 UIC area permit.

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

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

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

8.3. Class 3 UIC area permit.

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

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

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

8.4. Class 4 wells are prohibited.

8.5. Class 5 UIC area permit.

8.5.1. The initial permit application fee shall be determined by the applicant 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 rule.

8.5.1.a. The appropriate treatment factor is determined from Table B of Attachment 1 of this rule.

8.5.1.b. The total amount of the initial permit application fee is 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 is calculated using the formula listed under Subsection 8.5.1 of this rule.

8.5.3. The application fee for a major permit modification is calculated using the formula listed under Subsection 8.5.1 of this rule.

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

8.5.5. The annual permit fee is 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 rule.

8.5.5.a. The appropriate treatment factor is determined using Table B of Attachment 1 of this rule.

8.5.5.b. The appropriate well type factor is determined using Table C of Attachment 1 of this rule. The Interpretive rule, Class 5 Injection Well Type Descriptions, 47 C.S.R. 9A contains descriptions of well type codes.

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

ATTACHMENT I

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>	
5F1	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. 9A for a description of Well Type codes.

SENATE BILL NO. 171

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(By Senators Anderson, Grubb, Macnaughten and
Wigard)
Introduced January 31, 1994; referred to the
Committee on NATURAL RESOURCES

James
Tracy

10 A BILL to amend and reenact section seventeen, article three,
11 chapter sixty-four of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to authorizing
13 the division of environmental protection to promulgate
14 legislative rules relating to an underground injection
15 control fee schedule.

16 Be it enacted by the Legislature of West Virginia:

17 That section seventeen, article three, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred thirty-one,
19 as amended, be amended and reenacted, to read as follows:

20 ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND
21 ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

22 §64-3-17. Division of environmental protection.

23 (a) The legislative rules filed in the state register on the
24 eleventh day of October, one thousand nine hundred ninety-one,

1 modified by the division of environmental protection to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the ninth day of November, one
4 thousand nine hundred ninety-two, relating to the division of
5 environmental protection (operator's designation of bona fide
6 future use of oil and gas wells - qualification for inactive
7 status), are authorized.

8 (b) The legislative rules filed in the state register on the
9 third day of September, one thousand nine hundred ninety-two,
10 modified by the division of environmental protection to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the nineteenth day of February,
13 one thousand nine hundred ninety-three, relating to the division
14 of environmental protection (oil and gas wells and other wells),
15 are authorized.

16 (c) The legislative rules filed in the state register on the
17 third day of September, one thousand nine hundred ninety-two,
18 modified by the division of environmental protection to meet the
19 objections of the legislative rule-making review committee and
20 refiled in the state register on the nineteenth day of February,
21 one thousand nine hundred ninety-three, relating to the division
22 of environmental protection (abandoned wells), are authorized.

23 (d) The legislative rules filed in the state register on the
24 eighteenth day of September, one thousand nine hundred
25 ninety-two, modified by the division of environmental protection

1 to meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the nineteenth day
3 of February, one thousand nine hundred ninety-three, relating to
4 the division of environmental protection (underground storage
5 tank assessment fees), are authorized.

6 (e) The legislative rules filed in the state register on the
7 eighteenth day of September, one thousand nine hundred
8 ninety-two, relating to the division of environmental protection
9 (underground storage tanks), are authorized.

10 (f) The legislative rules filed in the state register on the
11 eighteenth day of September, one thousand nine hundred
12 ninety-two, modified by the division of environmental protection
13 to meet the objections of the legislative rule-making review
14 committee and refiled in the state register on the nineteenth day
15 of February, one thousand nine hundred ninety-three, relating to
16 the division of environmental protection (hazardous waste
17 management), are authorized.

18 (g) The legislative rules filed in the state register on the
19 third day of March, one thousand nine hundred ninety-two,
20 modified by the division of environmental protection to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the eighteenth day of February,
23 one thousand nine hundred ninety-three, relating to the division
24 of environmental protection (groundwater protection act fee
25 schedule), are authorized.

1 (h) The legislative rules filed in the state register on the
2 twelfth day of August, one thousand nine hundred ninety-three,
3 modified by the division of environmental protection to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the nineteenth day of January,
6 one thousand nine hundred ninety-four, relating to the division
7 of environmental protection (underground injection control fee
8 schedule), are authorized.

9
10 NOTE: The purpose of this bill is to authorize the Division
11 of Environmental Protection to promulgate legislative rules
12 relating to an underground injection control fee schedule.

13
14 Strike-throughs indicate language that would be stricken from
15 the present law, and underscoring indicates new language that
16 would be added.

1.977

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H. B. 4257

(By Delegates Gallagher, Douglas, Compton,
Huntwork, Burk and Faircloth
(Introduced January 31, 1994; referred to the
Committee on the Judiciary)

10 A BILL to amend and reenact section seventeen, article three,
11 chapter sixty-four of the code of West Virginia, one thousand
12 nine hundred thirty-one, as amended, relating to authorizing
13 the division of environmental protection to promulgate
14 legislative rules relating to an underground injection
15 control fee schedule.

16 Be it enacted by the Legislature of West Virginia:

17 That section seventeen, article three, chapter sixty-four of
18 the code of West Virginia, one thousand nine hundred thirty-one,
19 as amended, ~~be amended and reenacted,~~ to read as follows:

20 ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND
21 ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

22 §64-3-17. Division of environmental protection.

23 (a) The legislative rules filed in the state register on the
24 eleventh day of October, one thousand nine hundred ninety-one,

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1 modified by the division of environmental protection to meet the
2 objections of the legislative rule-making review committee and
3 refiled in the state register on the ninth day of November, one
4 thousand nine hundred ninety-two, relating to the division of
5 environmental protection (operator's designation of bona fide
6 future use of oil and gas wells - qualification for inactive
7 status), are authorized.

8 (b) The legislative rules filed in the state register on the
9 third day of September, one thousand nine hundred ninety-two,
10 modified by the division of environmental protection to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the nineteenth day of February,
13 one thousand nine hundred ninety-three, relating to the division
14 of environmental protection (oil and gas wells and other wells),
15 are authorized.

16 (c) The legislative rules filed in the state register on the
17 third day of September, one thousand nine hundred ninety-two,
18 modified by the division of environmental protection to meet the
19 objections of the legislative rule-making review committee and
20 refiled in the state register on the nineteenth day of February,
21 one thousand nine hundred ninety-three, relating to the division
22 of environmental protection (abandoned wells), are authorized.

23 (d) The legislative rules filed in the state register on the
24 eighteenth day of September, one thousand nine hundred
25 ninety-two, modified by the division of environmental protection

1 to meet the objections of the legislative rule-making review
2 committee and refiled in the state register on the nineteenth day
3 of February, one thousand nine hundred ninety-three, relating to
4 the division of environmental protection (underground storage
5 tank assessment fees), are authorized.

6 (e) The legislative rules filed in the state register on the
7 eighteenth day of September, one thousand nine hundred
8 ninety-two, relating to the division of environmental protection
9 (underground storage tanks), are authorized.

10 (f) The legislative rules filed in the state register on the
11 eighteenth day of September, one thousand nine hundred
12 ninety-two, modified by the division of environmental protection
13 to meet the objections of the legislative rule-making review
14 committee and refiled in the state register on the nineteenth day
15 of February, one thousand nine hundred ninety-three, relating to
16 the division of environmental protection (hazardous waste
17 management), are authorized.

18 (g) The legislative rules filed in the state register on the
19 third day of March, one thousand nine hundred ninety-two,
20 modified by the division of environmental protection to meet the
21 objections of the legislative rule-making review committee and
22 refiled in the state register on the eighteenth day of February,
23 one thousand nine hundred ninety-three, relating to the division
24 of environmental protection (groundwater protection act fee
25 schedule), are authorized.

1 (h) The legislative rules filed in the state register on the
2 twelfth day of August, one thousand nine hundred ninety-three,
3 modified by the division of environmental protection to meet the
4 objections of the legislative rule-making review committee and
5 refiled in the state register on the nineteenth day of January,
6 one thousand nine hundred ninety-four, relating to the division
7 of environmental protection (underground injection control fee
8 schedule), are authorized.

9
10 NOTE: The purpose of this bill is to authorize the Division
11 of Environmental Protection to promulgate legislative rules
12 relating to an underground injection control fee schedule.

13
14 Strike-throughs indicate language that would be stricken from
15 the present law, and underscoring indicates new language that
16 would be added.