WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION
Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE

OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

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

CITE AUTHORITY § 20-5A-6A

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(s) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

§ 29A-3-8

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 9A

TITLE OF RULE BEING PROPOSED: Class 5 Injection Well Type Descriptions

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THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE EFFECTIVE DATE OF THE RULE IS: October 1, 1993

David C. Callaghan, Director
Division of Environmental Protection

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DEPARTMENT OF COMMERCE LABOR AND ENVIRONMENTAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

RESPONSIVENESS SUMMARY
August 1993

Proposed Rule: "Class 5 Well Type Descriptions"

The West Virginia Division of Environmental Protection (DEP) has received thoughtful criticism during the public comment period on proposed "Class 5 Well Type Descriptions" Title 47, Series 9A. This rule provides descriptions of Class 5 Well Type Codes used in the Underground Injection Control Program.

To comply with federal and state public participation requirements the DEP issued on July 2, 1993 a notice announcing the beginning of a thirty day public comment period. The notice was published in eight newspapers, representative of various geographic areas across the state. Copies of the public notice were also sent to state agencies affected by the rule, the U.S. Environmental Protection Agency, the members of the Water Quality Advisory Committee, and other interested parties.

A public hearing on the rule was not held as the DEP anticipated minimal comment. The DEP received 1 written statement by August 2, 1993, the date on which the official record was closed. The following is this agency's response to the recommendation and concern raised.

Comment/Response

The commentor agreed with DEP that "the proposed interpretative rule is certainly a step in the right direction", and suggested that DEP include in the interpretative rule a definition of "Well".

DEP agrees that a definition of wells should be referenced within the interpretative rule. Accordingly, Section 2 of the rule has been expanded to include a reference to Subsection 4.5 of 46 C.S.R. 9, which provides a general definition of the term wells as used in the Underground Injection Control (UIC) program.

Also, all Roman numerals used to identify the types of well Classes have been changed to Arabic numerals for the sake of consistency throughout the UIC rule(s).

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OFFICE OF WEST VIRGINIA SECRETARY OF STATE

TITLE 47
LEGISLATIVE RULES

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

SERIES 9A
(Interpretive)
CLASS 5 INJECTION WELL TYPE DESCRIPTIONS

§ 47-9A-1. General.

1.1. Scope and Purpose. -- This is a new interpretive rule which provides Class 5 well type descriptions used in the Underground Injection Control Program. This rule is applicable to any person who owns or operates facilities or conducts activities subject to the provisions of West Virginia Code §20-5A-5.

1.2. Authority. -- West Virginia Code §20-5A-6A.

1.3. Filing Date. -- _____.

1.4. Effective Date. -- October 1, 1993.

§ 47-9A-2. Well Code Definitions.

For the purpose of this rule the term well means the same as that defined in subsection 4.5 of 46 C.S.R. 9.

2.1. Drainage Wells (a.k.a. Dry Wells).

2.1.1. "5F1" (Agricultural Drainage Wells) -- receive irrigation tailwaters, other field drainage, animal yard, feedlot, or dairy runoff, etc.

2.1.2. "5D2" (Storm Water Drainage Wells) -- receive storm water runoff from paved areas, including parking lots, streets, residential subdivisions, building roofs, highways, etc.

2.1.3. "5D3" (Improved Sinkholes) -- receive storm water runoff from developments located in karst topographic areas.

2.1.4. "5D4" (Industrial Drainage Wells) -- wells located in industrial areas which primarily receive storm water runoff but are susceptible to spills, leaks, or other chemical discharges.

2.1.5. "5G30" (Special Drainage Wells) -- used for disposing water from sources other than direct precipitation. Examples of this well type include: landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.

2.2. Geothermal Reinjection Wells.

2.2.1. "5A5" (Electric Power Reinjection Wells) -- reinject geothermal fluids used to generate electric power - deep wells.

2.2.2. "5A6" (Direct Heat Reinjection Wells) -- reinject geothermal fluids used to provide heat for large buildings or developments - deep wells.

2.2.3. "5A7" (Heat Pump/Air Conditioning Return Flow Wells) -- reinject groundwater used to heat or cool a building in a heat pump system - shallow wells.

2.2.4. "5A8" (Groundwater Aquaculture Return Flow Wells) -- reinject groundwater or geothermal fluids used to support aquaculture. Non-geothermal aquaculture disposal wells are also included in this category (e.g. Marine aquariums in Hawaii use relatively cool sea water).

2.3. Domestic Wastewater Disposal Wells.

2.3.1. "5W9" (Untreated Sewage Waste Disposal Wells) -- receive raw sewage wastes from pumping trucks or other vehicles which collect such wastes from single or multiple sources. (No treatment)

2.3.2. "5W10" (Cesspools) -- including multiple dwelling, community, or regional cesspools, or other devices that receive wastes and which must have an open bottom and sometimes have perforated sides. Must serve greater than 20 persons per day if receiving solely sanitary wastes. (Settling of solids)

2.3.3. "5W11" (Septic Systems [Undifferentiated disposal method]) -- used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. Must serve greater than 20 persons per day if receiving solely sanitary wastes. (Primary Treatment)

2.3.4. "5W31" (Septic Systems [Well Disposal Method]) -- examples of wells include actual wells, seepage pits, cavitettes, etc. The largest surface dimension is less than or equal to the depth dimension. Must serve greater than 20 persons per day if receiving solely sanitary wastes. (Less treatment per square area than 5W32)

2.3.5. "5W32" (Septic Systems [Drainfield Disposal Method]) -- examples of drainfields include drain or tile lines, and trenches. Must serve more than 20 persons per day if receiving solely sanitary wastes. (More treatment per square area than 5W31)

2.3.6. "5W12" (Domestic Wastewater Treatment Plant Effluent Disposal Wells) -- dispose of treated sewage or domestic effluent from small package plants up to large municipal treatment plants. (Secondary or further treatment)

2.4. Mineral and Fossil Fuel Recovery Related Wells.

2.4.1. "5X13" (Mining, Sand, or Other Backfill Wells -- used to inject a mixture of fluid and sand, mill tailings, and other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not. Also includes special wells used to control mine fires and acid mine drainage wells.

2.4.2. "5X14" (Solution Mining Wells) -- used for in-situ solution mining in conventional mines, such as stopes leaching.

2.4.3. "5X15" (In-situ Fossil Fuel Recovery Wells) -- used for in-situ recovery of coal, lignite, oil shale, and tar sands.

2.4.4. "5X16" (Spent-Brine Return Flow Wells) -- used to reinject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts.

2.5. Oil Field Production Waste Disposal Wells

2.5.1. "5X17" (Air Scrubber Waste Disposal Wells) -- inject wastes from air scrubbers used to remove sulfur from crude oil which is burned in steam generation for thermal oil recovery projects. (if injection is used directly for enhanced recovery and not just disposal it is a Class 2 well.)

2.5.2. "5X18" (Water Softener Regeneration Brine Disposal Wells) -- inject regeneration wastes from water softeners which are used to improve the quality of brines used for enhanced recovery. (If injection is used directly for enhanced recovery and not just disposal it is a Class 2 well.)

2.6. Industrial/Commercial/Utility Disposal Wells

2.6.1. "5A19" (Cooling Water Return Flow Wells) -- used to inject water which was used in a cooling process, both open and closed loop processes.

2.6.2. "5W20" (Industrial Process Water and Waste Disposal Wells) -- used to dispose of a wide variety of wastes and wastewaters from industrial, commercial, or utility processes. Industries include refineries, chemical plants, smelters, pharmaceutical plants, laundromats and dry cleaners, tanneries, laboratories, (e.g. petroleum storage facilities (storage tank condensation water); electric power generation plants (mixed waste stream of laboratory drainage fireside water and boiler blowdown); car wash (mixed waste stream of detergent oil and grease and paved area washdown); electroplating industries (spent solvent wastes); etc.).

2.6.3 "5X28" (Automobile Service Station Disposal Wells) -- repair bay drains connected to a disposal well.

2.7. Recharge Wells.

2.7.1. "5R21" (Aquifer Recharge Wells) -- used to recharge depleted aquifers and may inject fluids from a variety of sources such as lakes, streams, domestic wastewater treatment plants, other aquifers, etc.

2.7.2. "5B22" (Saline Water Intrusion Barrier Wells) -- used to inject water into fresh water aquifers to prevent intrusion of salt water into fresh water aquifers.

2.7.3. "5S23" (Subsidence Control Wells) -- used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with overdraft of fresh water and not used for the purpose of oil or natural gas production.

2.8. Miscellaneous Wells.

2.8.1. "5N24" (Radioactive Waste Disposal Wells) -- all radioactive waste disposal wells other than Class 4 wells.

2.8.2. "5X25" (Experimental Technology Wells) -- wells used in experimental or unproven technologies such as pilot scale in-situ solution mining wells in previously unmined areas.

2.8.3. "5X26" (Aquifer Remediation Related Wells) -- wells used to prevent, control or remediate aquifer pollution, including but not limited to Superfund sites.

2.8.4. "5X29" (Abandoned Drinking Water Wells) -- used for disposal of waste.

2.8.5. "5X27" (Other Wells) -- any other unspecified Class 5 wells. Well type/purpose and injected fluids must be specified.

KEN HECHLER
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(Plus all the volunteer help we can get)

FAX: (304) 558-0900

TO: Mark Scott

AGENCY: Natural Resources

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 21, 1994

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 9A TITLE: 47 Natural Resources

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

****

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Frank B. Pelurs

TITLE OF PERSON SIGNING: Administrator

DATE: 5/16/94

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

for corrections see: 1.1, 2.3.b, 2.3.c., 2.3.e

Watkins

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JUL 22 1993
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WRITER'S DIRECT DIAL NO.
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July 21, 1993

Dave
4?? Ke

Laidley Eli McCoy, Ph.D.
Chief
Office of Water Resources
West Virginia Division of
Environmental Protection
1201 Greenbrier Street
Charleston, West Virginia 25311

Re: *Proposed Legislative Interpretative Rule 45 CSR 9A, Class V Injection Well Type Descriptions*

Dear Dr. McCoy:

The above referenced proposed interpretative rule is certainly a step in the right direction. However, one of the issues which always comes up is the definition of "well" as perceived by the general public. Thus, I would suggest that, even though it might be duplicative, you include in this interpretative rule a definition of "Well."

Thanking you in advance for your consideration of this suggestion.

Sincerely,

Robert K. Parsons
ROBERT K. PARSONS

RKP/tmb

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PROGRAM MANAGEMENT

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